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PART I

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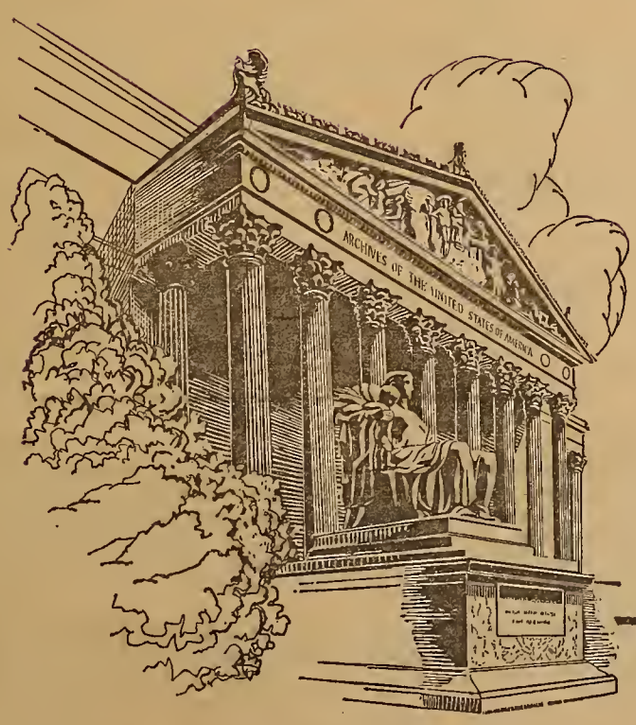

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

In F.R. Doc. 68–1132, appearing at page 14101 of the issue for Wednesday, September 18, 1968, § 213.3306(a)(53) was inadvertently revoked. Section 213.3306 (a)(53) should read as follows:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(53) One Assistant to the Deputy Secretary of Defense.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12027; Filed, Oct. 2, 1968; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Desirable Free Tonnage for Natural Thompson Seedless Raisins; 1968–69 Crop Year

Notice was published in the September 18, 1968, issue of the FEDERAL REGISTER (33 F.R. 14117) regarding a proposal to change the desirable free tonnage for natural Thompson Seedless raisins from 140,000 tons to 138,000 tons. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received within the period prescribed therefor.

The proposal was based on a recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that changing the desirable free tonnage for natural Thompson Seedless raisins, as set forth below, will tend to effectuate the declared policy of the "act".

Therefore, § 989.222 is revised to read as follows:

§ 989.222 Desirable free tonnage.

The desirable free tonnage for natural Thompson Seedless raisins of 140,000 tons, as specified in § 989.54(a), is changed to 138,000 tons for the 1968–69 crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Desirable free tonnage is designated on a crop year basis and the current crop year began on September 1, 1968; and (2) the desirable free tonnage must be used by the Committee no later than October 5 to recommend to the Secretary volume regulations on the 1968 crop of natural Thompson Seedless raisins.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 68–12032; Filed, Oct. 2, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8570, Amdt. 39–664]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Propellers

Dowty Rotol Propellers (c) R.193/4–30–4/50 installed on Fairchild F.27A–F–G–J, FH.227 and Fokker F.27 Mk 400, (c) R.257/4–30–4/60 installed on Fairchild FH.227B, FH.227C, FH.227D, and FH.227E, and (c) R.184/4–30–4/50 installed on Grumman G–159.

Amendment 39–587 (33 F.R. 5866), AD 68–8–5, requires incorporation of Dowty Rotol Modification (c) VP. 2486 on Dowty Rotol Propeller Types (c) R.193/4–30–4/50, (c) R.257/4–30–4/60, (c) R.184/4–30–4/50. After issuing Amendment 39–587, AD 68–8–5 service experience has indicated the need for quicker action in the case of (c) R.184/4–30–4/50 propellers. These propellers are installed on Grumman G–159 airplanes. Also Fairchild Models FH–227D and FH–227E have been approved since the original AD and these airplanes use the same propeller as the B and C models of the FH–227. Therefore, AD 68–8–5 is being superseded by a new AD requiring more immediate action for the (c) R.184/4–30–4/50 propellers and applying the AD to the propellers on the recently approved FH–227D and E models.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Propellers (c) R.193/4–30–4/50 installed on Fairchild F.27A–F–G–J, FH.227 and Fokker F.27 Mk 400, (c) R.257/4–30–4/60 installed on Fairchild FH.227B, FH.227C, FH.227D, and FH.227E, and (c) R.184/4–30–4/50 installed on Grumman G–159.

Compliance required as indicated unless already accomplished.

To prevent failure of the propeller hub driving center, P/N RA 57500, accomplish the following:

(a) For all propellers except the (c) R.184/4–30–4/50 propeller, incorporate Dowty Rotol Modification (c) VP. 2486, in accordance with Dowty Rotol Service Bulletin No. 61.573B dated June 1968, or later ARB approved issue, or FAA approved equivalent at the next scheduled overhaul or within the next 4,500 hours time in service after the effective date of this AD, whichever occurs first.

(b) For (c) R.184/4–30–4/50 propellers accomplish the following:

(1) For propeller hubs having 2,500 or more hours time in service on the effective date of this AD and that have not been modified in accordance with paragraph (5), inspect the hub in accordance with paragraph (3) within the next 50 hours time in service and incorporate the modification specified in paragraph (5) at the next scheduled overhaul or prior to the accumulation of 400 hours time in service after the effective date of this AD, whichever occurs first.

(2) For propeller hubs having less than 2,500 hours time in service on the effective date of this AD and that have not been modified in accordance with paragraph (5), inspect the hub in accordance with paragraph (3) prior to the accumulation of 2,550 hours time in service and incorporate the modification specified in paragraph (5) within the next 400 hours time in service or prior to the accumulation of 2,500 hours time in service, whichever occurs later.

(3) Inspect the rear face of the hub driving center flange with a magnifying glass and by the magnetic particle fluid method in accordance with Dowty Rotol Service Bulletin 61–633 dated June 1968, or later approved ARB issue, or an FAA-approved equivalent.

(4) If cracked hub driving centers are detected during any inspection, before further flight replace the propeller hub driving center with a serviceable part of the same part number having no cracks.

(5) Incorporate Dowty Rotol Modification No. (c) VP. 2486 in accordance with Dowty Rotol Service Bulletin No. 61–573A dated June 1968, or later ARB-approved issue, or an FAA-approved equivalent. The inspection specified in paragraph (3) is not required in hubs modified in accordance with this paragraph.

This supersedes Amendment 39–587 (33 F.R. 5866), AD 68–8–5.

This amendment becomes effective October 8, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–12005; Filed, Oct. 2, 1968; 8:48 a.m.]

[Docket No. 68–EA–78, Amdt. 39–662]

PART 39—AIRWORTHINESS DIRECTIVES

Aeronca Aircraft

On page 10805 of the FEDERAL REGISTER for July 30, 1968, the Federal Aviation Administration published a proposed airworthiness directive which would require certain inspections of the fuel system of Aeronca type aircraft.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is hereby adopted as published.

This amendment is effective October 3, 1968.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Jamaica, N.Y., on September 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

AERONCA. Applies to Models 15AC and S15AC, S/N's 15AC–1 and up.

To be accomplished within 25 hours in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service from the last inspection.

As a result of a number of forced landings due to fuel exhaustion caused by a collapsed fuel tank or siphoning of fuel, accomplish the following:

1. Determine that the wing fuel cells are lying flat and follow the contour of the wing cavity.

2. Inspect fuel cell filler caps for security and identification. Aeronca unvented spring loaded cap, P/N 1–3738 or FAA approved equivalent must be installed. A drawing of P/N 1–3738 is available from Aeronca, Inc., Middletown, Ohio 45042.

3. Determine that vent lines are open to both tanks by removing vent lines at tanks and blowing air through the lines.

4. Determine that the small auxiliary vent holes are located at the same height above the wing upper surface.

5. Determine that the vent line is securely clamped and the vent line hose connection has not deteriorated.

6. Determine that angular cut-off at the termination of the main vent line faces forward.

The inspection required by this AD constitutes preventive maintenance and may be accomplished by persons so authorized under FAR 43.3. Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 43.9.

(Aeronca S/N No. 31 dated Sept. 8, 1950, covers this same subject.)

[F.R. Doc. 68–12075; Filed, Oct. 2, 1968; 8:51 a.m.]

[Airworthiness Docket No. 68–SW–60, Amdt. 39–663]

PART 39—AIRWORTHINESS DIRECTIVES

Navion Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection or replacement of the rudder horn on Navion airplanes was published in 33 F.R. 12055.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were offered. One comment requested rewording to clarify description of the failure. This comment has been incorporated into the AD. One commentor objected to the proposed AD, based on his knowledge of only two new parts being ordered from the factory. He suggested a Navion Service Letter in lieu of the AD. This comment has been rejected for several reasons. We are aware of five reports rather than two with an apparent trend developing. A service letter is not mandatory and there is considerable doubt of one reaching all Navion owners. Navion Aircraft Corp. agrees that an AD is needed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 F.R. 13697, § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

NAVION. Applies to Navion through Navion H airplanes.

Compliance required within the next 50 hours time in service after the effective date of this AD, and at each annual inspection thereafter.

To prevent failure of the Rudder Horn, P/N 145–24401, accomplish the following:

Inspect for horizontal cracks or corrosion in the edge of the rudder horn. These cracks would appear as delaminations or swelling under the paint. Replace corroded or cracked rudder horns with new or unused part of the same part number or Federal Aviation Administration approved equivalent part before further flight.

This amendment becomes effective October 3, 1968.

This amendment is made under authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Fort Worth, Tex., on September 25, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 68–12076; Filed, Oct. 2, 1968; 8:51 a.m.]

[Airspace Docket No. 68–SO–63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 15, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11600), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Wallace, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Air Transport Association of America (ATA). The ATA objected on the basis that the proposed instrument approach procedure to Wallace Municipal Airport should be oriented from north to south to prevent overlapping with the Wilmington ILS Back Course and the VORTAC approaches to New Hanover County Airport.

A review of the proposed amendment, in the light of comments received, disclosed that orienting the approach from north to south would not be feasible since it would extend beyond the allowable tolerance of the Wilmington VORTAC. The ATA withdrew the objection when advised of the allowable tolerance of the Wilmington VORTAC and that the approach procedure would be developed to provide appropriate separation from New Hanover County Airport approaches and permit execution of simultaneous approaches.

Subsequent to publication of the notice, the geographic coordinate (lat. 34°–43'05'' N., long. 78°01'20'' W.) for Wallace Municipal Airport was obtained from Coast and Geodetic Survey.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 12, 1968, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the following transition area is added:

WALLACE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wallace Municipal Airport (lat. 34°-43'05" N., long. 78°01'20" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 25, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-12006; Filed, Oct. 2, 1968; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6975]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Meaning of Employment Relationship for Certain Statutory Stock Options

On August 8, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11298) with respect to the amendment of the Income Tax Regulations to clarify the meaning of the employment relationship for purposes of certain stock options. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as proposed are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: September 30, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to clarify the meaning of the employment relationship for purposes of certain stock options, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

Paragraph (h)(2) of § 1.421-7 is amended to read as follows:

§ 1.421-7 Meaning and use of certain terms.

* * * * *

(h) *Employment relationship.* * * *

(2) In order to qualify for the special tax treatment of section 421, in addition to meeting the requirements of subparagraph (1) of this paragraph, an individual exercising a qualified stock option or an option granted under an employee stock purchase plan must, at all times during the period beginning with the date of the granting of such option and ending at the time of such exercise or on the day 3 months before the date of such exercise, be an employee of either the corporation granting such option, a related corporation of such corporation, or a corporation or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies. For this purpose, the employment relationship in respect of an option granted in accordance with the requirements of subparagraph (1) of this paragraph will be treated as continuing intact while the individual is on military, sick leave or other bona fide leave of absence (such as temporary employment by the Government) if the period of such leave does not exceed 90 days, or, if longer, so long as the individual's right to reemployment with the corporation granting the option (or a related corporation of such corporation, or a corporation, or a related corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies) is guaranteed either by statute or by contract. Where the period of leave exceeds 90 days and where the individual's right to reemployment is not guaranteed either by statute or by contract, the employment relationship will be deemed to have terminated on the 91st day of such leave.

* * * * *

[F.R. Doc. 68-12031; Filed, Oct. 2, 1968; 8:52 a.m.]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6974]

PART 301—PROCEDURE AND ADMINISTRATION

Amendment of Regulations To Grant a Seal of Office to the Director of the Internal Revenue Service Data Center

In order to grant a seal of office to the Director of the Internal Revenue Service Data Center, Detroit, Mich., the Regulations on Procedure and Administration (26 CFR Part 301) under section 7514 of the Internal Revenue Code of 1954 are amended as follows:

Section 301.7514-1 is amended by adding a subparagraph (6) to paragraph (a). This added provision reads as follows:

§ 301.7514-1 Seals of office.

(a) *Establishment of seals.* * * *

(6) *Director of Internal Revenue Service Data Center.* There is hereby established in and for the office of the Director of the Internal Revenue Service Data Center an official seal. The seal is described as follows, and illustrated below: A circle within which shall appear that part of the seal of the Treasury Department represented by the shield and side wreaths. Exterior to the circle and within a circumscribed circle in the form of a rope shall appear in the upper part the words (Director, Internal Revenue Service Data Center" and in the lower part "Detroit, Michigan".

Because this Treasury decision establishes rules of Treasury Department practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: September 30, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-12030; Filed, Oct. 2, 1968; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Paragraph (a) of § 81.4 is amended to read as follows:

§ 81.4 Debt to capital ratio.

(a) The aggregate amount of obligations of the corporation issued under section 304(b) of the Charter Act and outstanding at any one time shall not exceed 20 times the sum of its capital, capital surplus, general surplus, reserves and undistributed earnings. For the purposes of this section, the outstanding aggregate principal amount of any obligations of the corporation issued under section 304(e) of the Charter Act which are entirely subordinated to the obligations of the corporation issued or to be issued under section 304(b) of the Charter Act shall be deemed to be capital of the corporation.

* * * * *

Effective date. Because this amendment is liberalizing, it is found unnecessary to issue it with notice and public

procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d). This amendment shall be effective October 1, 1968.

(Sec. 304(b), Federal National Mortgage Association Charter Act; 12 U.S.C. 1719(b))

Issued at Washington, D.C., September 27, 1968.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-12029; Filed, Oct. 2, 1968; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Outside Employment, Activity, or Compensation

In § 0.735–12, paragraphs (a) and (c) are amended to read as follows:

§ 0.735–12 Outside employment, activity or compensation.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to those which:

(1) Involve the acceptance of a fee, compensation, gift, payment of expense or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Tend to impair his mental or physical capacity to perform his Veterans Administration duties and responsibilities in an acceptable manner;

(3) Bring discredit upon, are disadvantageous to, embarrass, or cause or may cause unfavorable and reasonable criticism of the Federal Government or the Veterans Administration;

(4) Conflict with the interests of the Veterans Administration or the Federal Government or can possibly be construed by the public to be official acts of the Veterans Administration;

(5) Involve the use of information obtained as a result of employment in the Veterans Administration, to the detriment of the Veterans Administration or those served by it;

(6) Take time or attention during duty hours, or consist of the private practice of a recognized profession to the extent that the employee appears to be privately practicing his profession during official duty hours;

(7) Violate a regulation, Executive order, or a Federal, State, or local statute or ordinance;

(8) Tend to create suspicion of prejudice or favoritism in the administration of benefits to eligible veterans that could be of embarrassment to the Veterans Administration.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing not prohibited by law, Executive Order 11222, Part 735 of the Civil Service Regulations (5 CFR Part 735), the conduct regulations of this part or other agency policy. An employee shall not, however:

(1) Engage, with or without compensation, in teaching, lecturing or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or of the Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for the use of nonpublic information on the basis that the use is in the public interest;

(2) If he is a Presidential appointee covered by section 401(a) of Executive Order 11222, receive compensation, an honorarium, or anything of monetary value for any consultation, lecture, discussion, writing or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

* * * * *

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

This VA regulation is effective date of approval.

Approved: September 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-12019; Filed, Oct. 2, 1968; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 404-68]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests—Bureau of Narcotics and Dangerous Drugs

Under and by virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, section 45.735–22 (c)(2) of Part 45 of Chapter I of title 28 of the Code of Federal Regulations is amended by adding a new subdivision (xix) as follows:

§ 45.735–22 Reporting of outside interests by persons other than special Government employees.

* * * * *

(c) Statements of employment and financial interests are required of the following:

* * * * *

(2) Employees occupying the following positions:

* * * * *

(xix) Bureau of Narcotics and Dangerous Drugs:

Associate Directors.
Assistant Directors.
Chief Counsel.
Division Chiefs.
Regional Directors.

* * * * *

Dated: September 20, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68-11977; Filed, Oct. 2, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Prohibitions on Mailing Pistols, Revolvers, and Other Concealable Firearms

Correction

In F.R. Doc. 68-11315 appearing at page 14111 of the issue for Wednesday, September 18, 1968, in line 5 of § 125.5 (g), the reference to "§ 135.9" should read "§ 125.9".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

Discounts

Chapter 8 is amended as follows:

Section 8–2.407–3(a) is amended to read as follows:

§ 8–2.407–3 Discounts.

(a) The contracting officer will, as provided in FPR 1–2.407–3, establish the minimum discount period that will be considered in evaluating offers for award. When this period is determined to be 10 days, this fact will be so stated in the solicitation. If, however, the period is determined to be in excess of 10 days, the following annotation will be inserted in block 16 of Standard Form 33 immediately following the word "payment": "See paragraph 9, Standard Form 33A."

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective immediately.

Approved: September 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 68-12020; Filed, Oct. 2, 1968; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Tamarac National Wildlife Refuge, Minn., is permitted from October 5, through October 13, 1968, and from October 26 through November 12, 1968, and the hunting of geese is permitted from September 28 through December 6, 1968, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1968.

ANDREW J. MEYER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1968.

[F.R. Doc. 68-12023; Filed, Oct. 2, 1968; 8:49 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Oregon

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Oregon.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuges:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323).

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323).

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions. (1) Public hunting will be permitted on Wednesdays, Saturdays, and Sundays from December 4, 1968, through January 12, 1969. Hunting will be permitted from opening shooting time each day until 12 noon.

(2) A Federal permit is required to enter the public hunting area. Permits will be issued on a reservation basis. Applications for advance reservations will be accepted between October 15 and October 31, 1968, by mail only. Hunters will be allowed only one permit. Permits are nontransferable. Hunters must check in and out of the hunting area through the manned check station.

(3) Hunters must shoot from blind sites only. Blind assignments will be drawn at the check station.

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions. (1) Open for the taking of common snipe.

(2) Boats with or without motors are permitted. Sculling and air thrust boats are prohibited.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition. Boats with or without motors are permitted. Sculling and airthrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1969.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68-11970; Filed, Oct. 2, 1968; 8:45 a.m.]

PART 32—HUNTING

Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Ducks, geese, coots, and gallinules may be hunted on the following refuges:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323.

Special conditions. (Ringold Division) (1) Hunting will be permitted on Sundays, Wednesdays, and Saturdays, and November 28, 1968, December 25, 1968, and January 1, 1969.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(3) Hunters will be required to evacuate the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 476, Ridgefield, Wash. 98642.

Special conditions. (1) Hunting will be permitted on Sundays, Wednesdays, and Saturdays, and November 28, 1968, and January 1, 1969.

(2) A Federal hunting permit is required to enter the public hunting area. Permits will be issued on a reservation basis. Applications for permit reservations can be made on preprinted forms only. Application forms are available from the Refuge office and at some local license sale dealers. Applications will be accepted by mail only and processed in post mark order. A hunter will be allowed to hold only one reservation. When this is used, he may apply for an unfilled date.

(3) Hunters must shoot only from assigned Refuge blinds. Blind assignments will be drawn when entering the hunting area.

Toppenish National Wildlife Refuge, Post Office Box 271, Toppenish, Wash. 98948.

Special condition. Open to taking of common snipe.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Post Office Box 271, Toppenish, Wash. 98948).

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions. (1) Open to taking of brant.

(2) Hunting on Riekkola Track permitted on Sundays, Wednesdays, and Saturdays, and November 28, 1968, and January 1, 1969.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 19, 1969.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68–11971; Filed, Oct. 2, 1968; 8:45 a.m.]

PART 32—HUNTING

Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps—special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuges:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323.

Special conditions. (1) Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper. The pheasant hunting area will be open to the taking of pheasants through October 27, 1968, and the waterfowl hunting through the State pheasant season.

(2) On the Ringold Division of the McNary National Wildlife Refuge:

(a) Hunting will be restricted to Sundays, Wednesdays, and Saturdays, November 28 and December 25, 1968, and January 1, 1969.

(b) Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

(c) Hunters must leave the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 476, Ridgefield, Wash. 98642.

Special conditions. (1) Hunting for pheasants and rabbits only in conjunction with waterfowl hunting will be permitted. The restriction on shooting from blinds only will apply.

(2) Hunting will be restricted to Sundays, Wednesdays and Saturdays, November 28, 1968, and January 1, 1969.

(3) A Federal permit is required to enter the public hunting area.

Toppenish National Wildlife Refuge, Post Office Box 271, Toppenish, Wash. 98948.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Post Office Box 271, Toppenish, Wash, 98948).

Special condition. Hunting restricted to quail, grouse, cottontail rabbits, and snowshoe hares.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 (Leadbetter Point Addition).

Special condition. Hunting restricted to pheasants.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1969.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68–11972; Filed, Oct. 2, 1968; 8:45 a.m.]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 8 and from sunrise to sunset November 9, 1968, through November 17, 1968.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1968.

HOMER L. BRADLEY,
Refuge Manager, Des Lacs National Wildlife Refuge, Kenmare, N. Dak.

SEPTEMBER 27, 1968.

[F.R. Doc. 68–11968; Filed, Oct. 2, 1968; 8:45 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on the date of publication in the FEDERAL REGISTER.

Public hunting on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with the applicable State regulations and subject to the following special conditions:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

(1) Species permitted to be taken: White-tailed deer, bobcat, and federal hogs.

(2) Open season: Archery—October 17–31; gun—November 19–20 and 22–23, 1968.

(3) Bag limits: One deer of either sex. No limit on hogs and bobcats.

(4) Shooting from White River levee and all roads used by vehicles is prohibited. Dogs and horses are prohibited.

(5) Deer killed on the refuge must be tagged immediately upon possession with the refuge tag and checked out by officers at one of the designated check stations.

(6) Hunters may not return to hunt hogs or bobcats after they have killed a deer.

(7) No permit required for archery hunt. On the gun hunt a $2 user fee will be charged for each 2-day hunt. Permit will be issued on a first come, first served basis, by mail or in person, beginning on October 28 and continuing through November 13, or until the quota of 2,000 permits for each 2-day hunt is filled.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

(1) Species to be taken: Turkey, squirrel, rabbits, bobcat, and ferel hogs.

(2) Open season: Gun hunt—October 1–12; archery only—October 17–31.

(3) Bag limit: One turkey, and eight squirrels. No limit on rabbit, bobcat, and ferel hogs.

The provisions of this special regulation supplement the regulations which govern hunting on national wildlife

refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 23, 1968.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68–12024; Filed, Oct. 2, 1968; 8:49 a.m.]

PART 32—HUNTING

Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on National Wildlife Refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting map. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Deer hunting is permitted on the following refuges:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Special condition. Hunting is permitted only with shotguns firing slugs or buckshot.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Post Office Box 271, Toppenish, Wash. 98948).

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions. (1) Open to taking of bear.

(2) Archery hunting only is permitted.

(3) Hunters shall report at such check stations as may be established upon entering and leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1969.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1968.

[F.R. Doc. 68–11969; Filed, Oct. 2, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2220]

STATE GRANTS

Selection of Unsurveyed Lands

Basic and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 24, 1966 (80 Stat. 220) and section 2478 of the Revised Statutes (43 U.S.C. 1201) it is proposed to amend 43 CFR 2222 as set forth below. The purpose of this amendment is to provide for the selection of unsurveyed lands in the satisfaction of deficiencies in lands granted a State, to incorporate in the regulations changes prescribed by the said Act of 1966, and to permit States to include up to 12,000 acres in any application for selection.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Sections 2222.1–1 (a) and (b) are amended to read as follows:

§ 2222.1–1 Authority.

(a) Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), referred to in §§ 2222.1–1 to 2222.1–5 as "the law," authorize the public land States except Alaska to select lands (or the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals, or any specified mineral or minerals, which interest is referred to in §§ 2222.1–1 to 2222.1–5 as the "mineral estate") of equal acreage within their boundaries as indemnity for grant lands in place lost to the States because of appropriation before title could pass to the State or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

(b) The law provides that indemnity for lands lost because of natural deficiencies will be selected from the unappropriated, nonmineral, public lands, and that indemnity for lands lost before title could pass to the State will be selected from the unappropriated, public lands subject to the following restrictions:

* * * * *

2. In § 2222.1–3(d), paragraphs (1), (2), and (3) are amended to read as follows, a new paragraph (4) is added and existing (4) is renumbered (5):

§ 2222.1–3 Applications for selection.

* * * * *

(d) * * *

(1) The selected land and base lands must be described in accordance with the official plats of survey except that unsurveyed lands will be described in terms of protracted surveys as officially approved in accordance with 43 CFR 3123.8(c). If the unsurveyed lands are not covered by protracted surveys the lands must be described in terms of their probable legal description, if and when surveyed in accordance with the rectangular system of public land surveys, or if the State Director gives written approval therefor, by a metes and bounds description adequate to identify the lands accurately.

(2) The selection in any one application must not exceed 12,000 acres. This limitation shall not apply to unsurveyed lands if the State Director finds that the selection of a larger tract would not be inconsistent with the management of the remaining public lands and their resources. However, in this latter event, the unsurveyed lands selected must be in one tract.

(3) Separate base or bases must be assigned to each smallest legal subdivision of selected surveyed land or mineral estate and to each tract of unsurveyed land. Such base or bases must correspond in area with each subdivision or tract. A portion of a smallest actual or probable legal subdivision may be assigned as base but such assignment is an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance may be used as base for future selections.

(4) For purposes of selecting unsurveyed land a protracted section shall be considered to be a smallest legal subdivision except where the State Director finds otherwise.

* * * * *

3. A new § 2222.1–6 is added to read as follows:

§ 2222.1–6 Application for selection of unsurveyed lands.

(a) The authorized officer will reject any application for selection of unsurveyed lands if: (1) The costs of survey of the lands would grossly exceed the average per-acre costs of surveying public lands under the rectangular system of surveys in the State in which the lands are located, or (2) if the conveyance of the lands would create serious problems in the administration of the remaining public lands or resources thereof or would significantly diminish the value of the remaining public lands. The term "remaining public lands" means the public lands from which the applied-for lands would be separated by survey.

(b) In addition to the provisions of this section, applications for selection of unsurveyed lands are subject to the provisions of Subparts 2410 and 2411.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 27, 1968.

[F.R. Doc. 68–12003; Filed, Oct. 2, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1009, 1036]

[Docket Nos. AO–268–A17, AO–179–A31]

MILK IN CLARKSBURG, W. VA., AND EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders; Correction

The notice of hearing was issued September 19, 1968, and published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414).

Proposal No. 2 is corrected to read as follows:

Revise §§ 1009.51(b) and 1036.51(b) to read as follows:

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided,* That such Class II price shall not be more than the price computed pursuant to subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply by 4.2 the Chicago butter price;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

Signed at Washington, D.C., on September 27, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68–11999; Filed, Oct. 2, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–SO–79]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the San Juan, P.R. (International Airport), control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, San Juan Area Office, Federal Aviation Administration, R.F.D. 1, Box 29A, Loiza St. Station, San Juan, P.R. 00914. All communications received within 21 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Area Manager. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The San Juan control zone described in § 71.171 (33 F.R. 2058 and 9599) would be redesignated as follows:

Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'45" N., long. 66°00'05" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'30" N., long. 66°05'55" W.); within 2 miles each side of the San Juan VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC; within 2 miles each side of the Isla Grande Airport Runway 9/27 extended centerline, extending from the 3-mile radius zone to 5 miles west of the airport.

The proposed control zone alteration is required to provide controlled airspace protection for IFR operations at the Puerto Rico International and Isla Grande Airports. The proposed cancellation of the JAL/ADF instrument approach procedure permits the revocation of the extension predicated on the 067° and 281° bearings from the San Pat RBN. The alteration of other instrument approach procedures permits the revocation of the extension predicated on the San Juan VORTAC 296° radial and requires an increase from 8 to 11 miles to the extension predicated on the San Juan VORTAC 086° radial. Additionally, a proposed radar approach procedure to Isla Grande Airport requires the designation of an extension predicated on the extended centerline of Runway 9/27 to a point 5 miles west of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 24, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–12007; Filed, Oct. 2, 1968; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 19896; EDR–148]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for AW–650 in Logair and Quicktrans Services

SEPTEMBER 27, 1968.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of the economic regulations to set new minimum rates for AW–650 aircraft in Logair and Quicktrans services. The principal features of the proposed amendment are detailed in the attached explanatory statement, and the text of the proposed amendment is also attached. The amendment is proposed under the authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before October 18, 1968, will be considered by the Board before taking final action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. On May 14, 1968, by ER–537 (33 F.R. 7315), the Board issued Amendment No. 3 to Part 288 of the economic regulations (Docket 19741) adopting new minimum rates for Logair and Quicktrans domestic military cargo charters to become effective July 1, 1968. Among other things, minimum rates for AW–650 aircraft were adopted based on the forecast costs of Universal Airlines, Inc. (Universal).

On May 17, 1968, Universal filed a petition to amend the AW–650 minimum rates on the basis of revised cost data.[1] The petition states that, because of a new agreement between Universal and the manufacturer of the AW–650, the data relied upon by the Board should be revised to reflect a lower investment base, less depreciation expense, interest, income tax, and return on investment, fewer aircraft and revenue miles and greater average stage length. Universal stated that it was not in a position to bring this matter to the Board's attention or to provide the new cost data earlier because the arrangements with the manufacturer were only agreed upon verbally on May 15, 1968, and had not at that time been reduced to the form of a signed contract. Universal proposed a reduction of approximately 10 cents per mile in the minimum rates prescribed for the AW–650 in ER–537.

Saturn Airways, Inc., on May 27, filed an answer opposed to the lowering of the AW–650 rate by 10 cents. The Department of Defense, on May 28, filed an answer in support of Universal's petition.

On May 27, Universal filed a supplement to its petition. This was followed by a letter received July 2 enclosing an agreement with Hawker-Siddeley, effective June 30, 1968, and, pursuant thereto, revised data indicating that the minimum rate for AW–650 aircraft provided in ER–537 should be reduced by 12.2 cents per plane-mile, based upon the proposed mileage and average stage length predicated therein.

Upon consideration of the petition, answers, and other data, we have tentatively determined to reduce the AW–650 minimum rates by 19.3 cents per plane-mile for the following reasons.

The renegotiated contract provides for an adjustment of the cost of the six aircraft owned by Universal as of June 30, 1968, and the purchase by Universal of two additional AW–650's to be delivered about November 15, 1968. The original cost[2] of the six aircraft of over $9.3 million has been reduced by almost $4.1 million to slightly more than $5.2 million. Including the two new aircraft at the contract cost of $1.0 million for both, and $485,500 in company purchased spares, the adjusted cost for the AW–650 fleet is therefore $6.7 million. For ratemaking purposes, the Board adheres to its policy of basing depreciation for the AW–650 aircraft on a service life of 8 years and a residual value of 15 percent with respect to the original six aircraft. In computing the recognized depreciation expense allowance for the fiscal year 1969 rates we have spread the net book value of the six aircraft, based on the adjusted original cost less a reserve for depreciation reflecting depreciation allowances previously recognized for rate purposes over the remainder of the 8-year life.

[1] On the same date, Universal filed an application for exemption from the minimum rates (Docket 19895). In light of our disposition of the rule-making petition, the exemption application is hereby dismissed as moot.

[2] Exclusive of interest expense in all instances.

For the two additional aircraft to be acquired in November 1968, it is reasonable to apply a service life which reflects a retirement date that coincides with that of the latest acquired AW–650 of the original six aircraft. Since the date of acquisition of the latter aircraft was June 30, 1965, this would result in the use of a service life for the two additional aircraft to June 30, 1973. A 15 percent residual has been applied consistent with the residual on the six AW–650's. For purposes of the instant rates, we have reflected depreciation expense on these two aircraft only for the period November 15, 1968–June 30, 1969.

The application of the foregoing criteria results in an adjusted depreciation cost of 9.8 cents per revenue aircraft mile as compared with 21.4 cents recognized in ER–537.[3] The revised return and tax elements amount to 9.8 cents per mile, a reduction of 7.7 cents from the allowance recognized in ER–537. Consistent with past practice, the recognized return element is based on a 6 percent operating profit, since a 9 percent return on investment would produce an unduly narrow operating margin. No other operating expense elements have been changed from those shown in ER–537.

The foregoing revisions result in adjusted costs per revenue aircraft mile of $1.629 and $1.676 for Logair and Quicktrans operations, respectively. These amounts, related to a directed landing charge of $100, translate to $1.2654 and $1.3124 per linehaul mile for Logair and Quicktrans, respectively.

[3] The basis for the revised depreciation allowance is shown in the appendix which is filed with the original document.

It is proposed to make the amendment effective as of the date of this notice.

Proposed rule. It is proposed to amend Part 288 of the economic regulations (14 CFR Part 288) by revising § 288.7(b), in part, to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
AW–650	1.2654	1.3124	100

* * * * *

[F.R. Doc. 68–12037; Filed, Oct. 2, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

BARBERS' CHAIRS FROM JAPAN

Antidumping Proceeding Notice

SEPTEMBER 26, 1968.

On July 31, 1968, information was received indicating a possibility that barbers' chairs from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information is in proper form pursuant to sections 53.26 and 53.27 of the Customs Regulations (19 CFR 53.26, 53.27).

The information was submitted by Emil J. Paidar Co., Chicago, Ill.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the barbers' chairs for exportation to the United States are less than the prices of such or similar merchandise for home consumption in Japan.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 68-12016; Filed, Oct. 2, 1968; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-870]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management, the public lands described in paragraph 2. As used herein, "public lands" means any lands not withdrawn or reserved for a Federal use or purpose.

Publication of this notice has the effect of segregating the public lands described from appropriation under the Agricultural Land Laws, 43 CFR 2211.9 (48 U.S.C. 371-380); the Trade and Manufacturing Site Act, as amended, 43 CFR 2213 (48 U.S.C. 461); and the Headquarters Site Law 43 CFR 2233.9-1 (48 U.S.C. 461), except as provided in paragraphs 3 and 4 hereof and the lands shall remain open to all other applicable forms of appropriations, including the mining and mineral leasing laws, except as provided in paragraph 4.

2. The public domain lands affected are located on the Baldwin Peninsula, Northwestern Alaska.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska.

BALDWIN PENINSULA

All of the public lands comprising the Baldwin Peninsula north of latitude 66°30' N.

Containing approximately 148,000 acres.

3. The following described public lands are further segregated from appropriation or settlement under the Native Allotment Act 43 CFR 2212.9 (48 U.S.C. 357-357b) and the Homesite Law 43 CFR 2233.9-2 (48 U.S.C. 461).

a. Lands surrounding Kotzebue as follows:

Beginning at a point which bears approximately S. 65°30' E., 13 chains from USC and GS "KOTZEBUE ASTRO AZ" (VABM 123); thence west, approximately 50 chains to the mouth of June Creek; S. 64°00' W., 12 chains; S. 24°00' E., 28 chains; S. 72°00' E., approximately 37 chains to a point coincident with the northeast corner of the Air Force Reserve PLO 883; S. 36°30' E., approximately 80.3 chains to a point coincident with the southeast corner of said Air Force Reserve; S. 53°30' W., 40 chains; S. 35°00' E., 119 chains; west, approximately 15 chains to a point on the mean high waterline of Kotzebue Sound, said point found in approximate latitude 66°49'23" N., longitude 163°33'57" W.; northerly, along the mean high waterline of Kotzebue Sound approximately 16.10 miles to a point found in approximate latitude 66°55'28" N., longitude 162°23'05" W.; south 80 chains; west 200 chains; south 40 chains; west 40 chains; south 40 chains; west approximately 140 chains to a point on the east limit of USS 2645, found S. 26°30' W., 42 chains from Corner 5, USS 2645; S. 26°30' W., approximately 31 chains to the Northwest corner, Tract V, State of Alaska, Department of Aviation Airfield; S. 79°15' E., approximately 28 chains to the southwest corner of Tract B, PLO 3830; N. 10°45' E., 20.369 chains; S. 79°15' E., 62.945 chains; S. 10°45' W., approximately 58 chains to the southeast corner of Tract V; N. 79°15' W., approximately 16.80 chains to the northeast corner of Tract C, PLO 3830; S. 10°45' W., 3.873 chains; N. 79°15' W., 30.040 chains; N. 10°45' E., 3.873 chains; N. 79°15' W., 22.749 chains; S. 31°30' W., approximately 120 chains to the point of beginning.

Containing approximately 7,075 acres.

b. Lands at the neck of the Baldwin Peninsula described as follows:

Beginning at a point in approximate latitude 66°31'50" N., longitude 161°51'24" W., located on the mean high water line of Hotham Inlet, on the easterly shore of Baldwin Peninsula; thence northwesterly approximately 332 chains along the mean high waterline of Hotham Inlet to a point at latitude 66°34'32" N., longitude 161°-56'40" W.; S. 60°00' W., approximately 72 chains to a point at latitude 66°34'10" N., longitude 161°58'12" W., located on the mean high waterline of Kotzebue Sound, on the westerly shore of Baldwin Peninsula; S. approximately 320 chains, along the mean high waterline of Kotzebue Sound to a point at latitude 66°31'18" N., longitude 161°53'18" W.; N. 60°00' E., approximately 84 chains to the point of beginning.

Containing approximately 1,785 acres.

4. The following described lands, comprising the watershed for the city of Kotzebue, are further segregated from appropriation or settlement under the Native Allotment Act 43 CFR 2212.9 (48 U.S.C. 357-357b), the Homesite Law 43 CFR 2233.9-2 (48 U.S.C. 461), the Townsite Laws 43 CFR 2242.9 (48 U.S.C. 355-355d), the Mining Laws 43 CFR 3400 (30 U.S.C. Ch. 2), Mineral Materials Disposals 43 CFR 3610 (30 U.S.C. 601-602), and uses not compatible with the watershed values.

a. Beginning at a point which bears approximately S. 65°30' E., 13 chains from USC & GS "KOTZEBUE ASTRO AZ" (VABM 123); thence west, approximately 50 chains to the mouth of June Creek; S. 64°00' W., 12 chains; S. 24°00' E., 28 chains; S. 72°00' E., approximately 37 chains to a point coincident with the northeast corner of the Air Force Reserve PLO 883; S. 36°30' E., approximately 80.3 chains to a point coincident with the southeast corner of said Air Force Reserve; S. 53°30' W., 40 chains; S. 35°00' E., 119 chains; east 136 chains; north 160 chains; east 80 chains; north 240 chains; west approximately 215 chains to a point on the east limit of USS 2645, found S. 26°30' W., 42 chains; from corner 5, USS 2645; S. 26°30' W., approximately 31 chains to the northwest corner, Tract V, State of Alaska, Department of Aviation Airfield; S. 79°15' E., approximately 28 chains to the southwest corner of Tract B, PLO 3830; N. 10°45' E., 20.369 chains; S. 79°15' E., 62.945 chains; S. 10°45' W., approximately 38 chains to the southeast corner of Tract V; N. 79°15' W., approximately 16.80 chains to the northeast corner of Tract C, PLO 3830; S. 10°45' W., 3.873 chains; N. 79°15' W., 30.040 chains; N. 10°45' E., 3.873 chains; N. 79°15' W., 22.749 chains; S. 31°30' W., approximately 120 chains to the point of beginning.

Containing approximately 8,790 acres.

5. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

6. A public hearing will be held in Kotzebue, Alaska, at a date which will be announced.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 68-11973; Filed, Oct. 2, 1968; 8:45 a.m.]

[A 2777]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, serial number A 2777, for withdrawal of lands from mineral location and entry under the General Mining Laws, subject to existing valid claims.

The Forest Service has developed the property for recreational use and plans to further develop the property as a potential for winter sports and summer recreational use within the next 5 to 10 years. This withdrawal is needed to assure tenure and to permit adequate protection and enhancement of the public recreational value of these lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections on connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

LOCKETT MEADOW RECREATION AREA

T. 23 N., R. 7 E.,
Sec. 22, lots 5 and 12, and E½NE¼;
Sec 23;
Sec. 24, W½W½;
Sec. 25, NW¼NW¼NW¼;
Sec. 26, N½NW¼ and N½N½NE¼.

The area described aggregates 1,102.48 acres within the Coconino National Forest.

Dated: September 26, 1968.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 68-12000; Filed, Oct. 2, 1968; 8:47 a.m.]

[R-369]

CALIFORNIA

Corrected Notice of Offering of Land for Sale

SEPTEMBER 26, 1968.

In FEDERAL REGISTER Document 68-10638, appearing on page 12391 of the Issue of September 4, 1968, the following change should be made:

The description should be SE¼NW¼, Sec. 10, T. 9 N., R. 1 W., SBM.

WALTER F. HOLMES,
Chief, Division of Adjudication and Records Services.

[F.R. Doc. 68-12002; Filed, Oct. 2, 1968; 8:47 a.m.]

[C-2367]

COLORADO

Classification of Public Lands for Multiple Use Management

SEPTEMBER 23, 1968.

Paragraph 3 of the Notice of Classification appearing as FEDERAL REGISTER document 67-11723 in the issue for October 5, 1967, at page 13875 is hereby amended to include the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

HINSDALE COUNTY

Mill Creek Site

T. 42 N., R. 5 W. (protracted),
Sec. 10, S½SE¼SE¼;
Sec. 11, S½SW¼, W½SE¼SE¼;
Sec. 14, NW¼NE¼NE¼, N½NW¼;
Sec. 15, N½N½, N½S½N½.

These legal descriptions are based on protraction diagram approved May 6, 1965.

The area described contains approximately 364.5 acres of public land.

For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-12001; Filed, Oct. 2, 1968; 8:47 a.m.]

COLORADO

Notice of Filing of Plat of Survey

1. The plat of survey of the lands described below will be officially filed in the Land Office, Denver, Colo., effective at 10 a.m., on November 4, 1968:

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 18 W.,
Sec. 4, Lots 1 thru 11, S½NW¼, SW¼NE¼, SW¼;
Sec. 9, Lots 1 thru 11, W½NW¼, SE¼.

The lands described aggregate 1,063.58 acres.

2. All of the above lands are within the areas withdrawn from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws by Public Land Order 494, July 7, 1948. They will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

J. ELLIOTT HALL,
Manager,
Colorado Land Office, Denver.

SEPTEMBER 25, 1968.

[F.R. Doc. 68-12025; Filed, Oct. 2, 1968; 8:49 a.m.]

[New Mexico 7976]

NEW MEXICO

Notice of Proposed Classification

SEPTEMBER 27, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the land described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Roosevelt County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501, and the Roswell District Office, Post Office Box 1397, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Roswell District Office.

The lands affected by this proposal are located in Chaves County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 S., R. 31 E.,
Sec. 13, SW¼ and S½SE¼;
Sec. 17, E½E½NE¼SE¼;
Secs. 21, 22, 23, and 24.
T. 8 S., R. 32 E.,
Sec. 18, S½SW¼;
Sec. 19, N½NW¼, S½N½, and S½;
Sec. 20, W½;
Sec. 29, NW¼;
Sec. 30, NE¼.

The areas described aggregate 4,090.00 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68–11974; Filed, Oct. 2, 1968; 8:45 a.m.]

Office of the Secretary

[Order No. 2906]

OIL AND GAS LEASES FOR LANDS IN OIL SHALE AREAS

Stipulations Imposed

SEPTEMBER 27, 1968.

All oil and gas leases henceforth issued for lands in the oil shale areas of Colorado, Wyoming, and Utah shall include the following stipulations:

(1) No wells will be drilled for oil or gas except upon approval of the Regional Oil and Gas Supervisor of the Geological Survey, it being understood that drilling will be permitted only in the event that it is established to the satisfaction of the Supervisor that such drilling will not interfere with the mining and recovery of oil shale deposits or the extraction of shale oil by in situ methods or that the interest of the United States would best be served thereby.

(2) No wells will be drilled for oil or gas at a location which, in the opinion of the Regional Oil and Gas Supervisor of the Geological Survey, would result in undue waste of oil shale deposits or constitute a hazard to or unduly interfere with mining or other operations being conducted for the mining and recovery of oil shale deposits or the extraction of shale oil by in situ methods.

(3) When it is determined by the Regional Oil and Gas Supervisor of the Geological Survey that unitization is necessary for orderly oil and gas development and proper protection of oil shale deposits, no well shall be drilled for oil or gas except pursuant to an approved unit plan.

(4) The drilling or the abandonment of any well on this lease shall be done in accordance with applicable oil and gas operating regulations including such requirements as the Regional Oil and Gas Supervisor of the Geological Survey may prescribe as necessary to prevent the infiltration of oil, gas, or water into formations containing oil shale deposits or into mines or workings being utilized in the extraction of such deposits.

For the purposes of this directive the oil shale areas of Colorado, Wyoming, and Utah are defined as those lands withdrawn by Executive Order No. 5327 of April 15, 1930.

KENNETH HOLUM,
Acting Secretary of the Interior.

[F.R. Doc. 68–12004; Filed, Oct. 2, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88–482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act be imported during calendar year 1968 is 990 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1968 is 950.3 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1968 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88–482 at this time.

Done at Washington, D.C., this 26th day of September 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–12118; Filed, Oct. 2, 1968; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00594–33–46500. Applicant: U.S. Department of Agriculture, Agricultural Research Center, Beltsville, Md. 20705. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare uniform ultrathin serial sections of cells for histological and histochemical studies concerning the cellular and subcellular level of animal tissues. A major emphasis is being placed on the fine structure of the cell wall in relation to the textural quality of meat. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 10, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical

advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11980; Filed, Oct. 2, 1968; 8:45 a.m.]

MICHIGAN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00595–33–46500. Applicant: Michigan State University, Department of Microbiology and Public Health, East Lansing, Mich. 48823. Article: Ultramicrotome, LKB 880 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare uniform ultrathin serial sections of cells required for studying bacterial morphogenesis and differentiation. Serial sections of high quality and uniformity are needed for optimal resolution of bacterial organelles. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 Angstroms. The foreign article has the capability of cutting sections down to 50 Angstroms (1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 Angstroms (1966 catalogue for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 10, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalogue cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalogue cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalogue on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalogue. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11983; Filed, Oct. 2, 1968; 8:46 a.m.]

MOUNT HOLYOKE COLLEGE TRUSTEES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00657–33–46040. Applicant: The Trustees of Mount Holyoke College, South Hadley, Mass. 01075. Article: Electron microscope, Model EM–300, and specimen chamber cooling device. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The article will be used to train biologists in the use and applications of electron microscopy in biological research. It will also be used for basic research by faculty and select students. The students will not be trained to be technicians, but will be trained to use the electron microscope in studying original problems in biological research. They have a tutorial relationship with a faculty member and learn by participating in a research project. Faculty research project include:

(a) Ultrastructure and development of tadpole tails.

(b) Intercellular relationships in insect ovaries.

(c) The route of entry of foliar applied materials through the cuticle and outer epidermal wall of plants.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been

redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 19, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time.

(1) The foreign article has a guaranteed resolution of 5 Angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11984; Filed, Oct. 2, 1968; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69–00151–33–46040 applicant: University of California, physiology-Anatomy Department, 2549 Life Sciences Building, Berkeley, Calif. 94720. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for biological research and graduate training in the following areas:

a. Correlation of fine structure of mitochondrial and chloroplast membranes with physiological states.

b. The molecular basis of human aging—identification of the etiology and formation of age pigments.

c. The role of essential fatty acid deficiency in the structure of cell membranes in mammalian tissues.

d. Structure and funotion of cilia and centrioles in protozoa and metazoan cells.

e. Survey of fine structure of vertebrate tissues after various physiological and pharmacological treatments. Current projects include:

1. Fine structure of gastric secretory cells.

2. Dependence of ultrastructure of brain cortex on stimulus state.

f. Negative staining of cell constituents including microtubules, ribosomes and membranes.

g. Autoradiographic and histochemical localization of cell components including nuclei acids, ions and hormones.

h. New aspects of biological ultrastructure by freeze etching electron microscopy.

Application received by Commissioner of Customs: September 3, 1968.

Docket No. 69–00152–32–01100. Applicant: Michigan Technological University, Houghton, Mich. 49931. Article: Fluid network analyzer. Manufacturer: Nash & Thompson, Ltd., United Kingdom. Intended use of article: The article will be used for training mining engineers who have to perform ventilation, compressed air-, gas-, and water-network calculations. All the cited networks can be described mathematically by sets of linear and square equations. Due to the great number of equations involved, a solution is only possible by some kind of approximation method and the application of larger digital or analogue computers. Since every approximation method has advantages and disadvantages, the students are made acquainted with several methods in order to allow them later to choose the most suitable one for a given problem. The article is an analogue computer. Application received by Commissioner of Customs: September 3, 1968.

Docket No. 69–00153–33–46500. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Ultramicrotome, Model LKB–8800A Ultratome III and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in investigations which involve the characterization of viral morphology, mode of replication, and the utlrastructure of viral pathogenesis. To be able to pursue these investigations, it is mandatory that ultrathin sections of uniform thickness be obtained. It is also necessary that the specimen be oriented with precision. Application received by Commissioner of Customs: September 4, 1968.

Docket No. 69–00154–33–46040. Applicant: University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Electron microscope, Model EM300 and accessories. Manufacturer: N.V. Phillips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used for the investigation of some problems in dental research concerned with the correlation of structure and function in bone, teeth, and salivary glands. The projects include the following areas of interest:

1. Bone.

a. Electron microscopic autoradiographic investigation on the morphogenesis of bone cells with particular reference to the relationship between propagation and cytodifferentiation during intermediate stages of development.

b. Enzymatic and digestive studies at the electron microscopic level with emphasis on the intracellular expressions of metabolic activity in bone cells.

2. Teeth.

a. A comparative fine structural study of developing teeth in normal animals and experimental animals exposed to special diets and various pharmacological agents.

3. Salivary Glands.

a. Electron microscopic tracer studies designed to elucidate some fine structural aspects of water transport mechanisms in salivary glands.

b. Electron histochemical studies on the nature and origin of secretory granules in various salivary acinar cell types.

Application received by Commissioner of Customs: September 4, 1968.

Docket No. 69–00155–33–46040. Applicant: Milton S. Hershey Medical Center, Hershey, Pa. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research which includes projects relating to the differentiation and development of intracellular parasites (malaria), human and experimental cancer (control mechanisms in the nucleus of "induced" neoplastic cells), experimental malnutrition (kwashiorkor and chronic amino acid deficiency) and basic comparative studies of the mitotic apparatus in different types of cells. In addition, routine operations and daily use of the instrument

will be included in the pathology teaching curriculum. Application received by Commissioner of Customs: September 4, 1968.

Docket No. 69–00156–65–001100. Applicant: State University of New York at Stony Brook, Stony Brook, Long Island, N.Y. 11790. Article: Particle size analyzer. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used by the Department of Material Sciences in an approved graduate program concerning the investigation of the physical properties of materials. The experiments being conducted are for determining, under a broad spectrum of temperature conditions, the electrical resistivity of high conductivity materials. Also, the effect of oxidized surfaces on body properties are being investigated. Application received by Commissioner of Customs: September 4, 1968.

Docket No. 69–00172–33–46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the preparation of ultrathin and normal serial sections of embedded cortical tissue and ganglia to map geography of synoptic connections of limited structural zones. Exact thickness is needed in different tissues. The operator is permitted to quickly and easily change the cutting thickness from 50 Angstrom units to 2 microns. Application received by Commissioner of Customs: September 17, 1968.

Docket No. 69–00173–33–46500. Applicant: U.S. Public Health Service Hospital, Bay Street and Vanderbilt Avenue, Staten Island, N.Y. 10304. Article: Ultramicrotome, Model LKB 4800A Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning biopsies of human and animal kidney for viewing with the electron microscope. Since the amount of tissue available is usually quite limited, the study requires an ultramicrotome capable of yielding series of sections of equal thickness. It must be able to easily cut sections of thickness from 50 Angstroms to 2 microns. Application received by Commissioner of Customs: September 17, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11981; Filed, Oct. 2, 1968; 8:45 a.m.]

UNIVERSITY OF FLORIDA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00598–33–79800. Applicant: University of Florida, College of Medicine, Department of Ophthalmology, Gainesville, Fla. 32601. Article: Stereotaxic unit for vision research, Type SN3. Manufacturer: Narishige Scientific Instrument Co., Japan. Intended use of article: The article will be used for training in eye and vision research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: The foreign device is specifically designed to enable virtually unlimited access to the eyes of animal preparations. No domestic commercial source is known for an equivalent apparatus which permits ready access to the eye.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11982; Filed, Oct. 2, 1968; 8:46 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00621–33–46040 Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used to record ultrafine structural changes in animal lung tissue which has been exposed to a variety of environmental insults, such as nitrogen dioxide, smog, sulphur dioxide, tobacco smoke, and ozone. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time.

(1) The foreign article has a guaranteed resolution of 5 Angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11985; Filed, Oct. 2, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18884]

PACIFIC NORTHWEST-CALIFORNIA INVESTIGATION

Notice of Change in Prehearing Conference Date

The prehearing conference in this proceeding, previously scheduled for October 24, 1968, is hereby reassigned to October 25, 1968, at 10 a.m., (e.d.t.) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

As required by the original notice of September 20, 1968, in order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before October 15, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., September 27, 1968.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 68-12038; Filed, Oct. 2, 1968; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. George D. Wick, Jr., Assistant General Counsel, American President Lines, International Building, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 8283-3 between American Mail Line, Ltd. and American President Lines, Ltd., amends paragraph 3(c) of the approved APL-AML Freight Agency Agreement—Southern California (Agreement No. 8283, as amended), between these same parties by providing for a commission of 5 percent to be paid by American Mail Line to American President Lines when passenger and passenger automobile tickets are sold by a subagent.

Dated: September 30, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12033; Filed, Oct. 2, 1968; 8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD. AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. George D. Wick, Jr., Assistant General Counsel, American President Lines, International Building, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 8033-5 between American President Lines, Ltd., and American Mail Line Ltd., provides for the modification of Agreement No. 8033, as amended (APL-AML Freight Agency Agreement—Pacific Northwest) to increase the overriding commission payable to American Mail Line by American President Lines from 2½ percent to 5 percent when passengers, automobiles, animals, and baggage tickets are sold by travel agents.

Dated: September 30, 1968.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12034; Filed, Oct. 2, 1968; 8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD. AND AMERICAN MAIL LINE LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. George D. Wick, Jr., Assistant General Counsel, American President Lines, International Building, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9249-1 between American President Lines, Ltd., and American Mail Line Ltd., amends paragraph 3 of the basic Agreement No. 9249 (wherein American Mail Line appointed American President Lines as its general passenger agent in various States of the United States) by increasing the overriding commission which American Mail Line will pay American President Lines, from 2½ percent to 5 percent.

Dated: September 30, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12035; Filed, Oct. 2, 1968; 8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD. AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be

submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. George D. Wick, Jr., Assistant General Counsel, American President Lines, International Building, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9377–1 between American President Lines, Ltd., and American Mail Line, Ltd., provides for modification of the basic Agreement No. 9377 (which appointed American President Lines as general passenger agent of American Mail Line in various States of the United States) to increase the overriding commission which American Mail Line will pay to American President Lines, from 2½ percent to 5 percent.

Dated: September 30, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12036; Filed, Oct. 2, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69–118 etc.]

W. W. HARVEY ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 26, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 12, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69–118	W. W. Harvey and W. C. Sojourner, 614 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	1	3	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	$12,800	9–3–68	[2] 10–4–68	3–4–69	15.0	[3] [4] 16.0	
RI69–119	Phillips Petroleum Co., Bartlesville, Okla. 74003.	370	4	Texas Eastern Transmission Corp. (Hico-Knowles Field, Lincoln Parish, La.) (Northb Louisiana Area).	4,923	9–3–68	[5] 11–1–68	4–1–69	[3] 15.8007	[6] [7] [8] 17.8519	
RI69–120	Kickapoo Oils (Operator) et al., 2208 Northb West 59th St., Oklaboma City, Okla. 73112.	1	1	Panbandle Eastern Pipe Line Co. (Richland Center Field, Texas County, Okla.) (Panhandle Area).	5,757	9–3–68	[2] 10–4–68	3–4–69	16.0	[3] [4] 17.01	
RI69–121	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	119	7	Nortbern Natural Gas Co. (McKinney Field, Clark and Meade Counties, Kans.).	654	9–5–68	[5] 10–6–68	3–6–69	[9] 14.0	[3] [4] [9] [10] 15.0	
RI69–122	King Resources Co. (Operator) et al., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	10	1	Panhandle Eastern Pipe Line Co. (Southeast Avard Area, Woods County, Okla.) (Oklaboma "Other" Area).	18,720	9–3–68	[5] 10–4–68	3–4–69	[12] 15.0	[4] [11] [12] 17.0	
RI69–123	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attn: H. W. Varner, Esq.	77	10	El Paso Natural Gas Co., (Aneth Field, San Juan County, Utah) (Aneth Area).	48,335	8–29–68	[5] 11–19–68	4–19–69	[13] 17.8947	[3] [7] [13] 22.1947	RI68–214.
RI69–124	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn: Mr. John J. Carter.	423	5	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	11,664	8–29–68	[5] 9–29–68	2–28–69	[10] 14.50	[4] [14] [15] 18.243	[16]
RI69–125	Hidalgo Gas Production Corp., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	3	2	El Paso Natural Gas Co. (San Juan Basin Field, San Juan County, N. Mex.) (San Juan Basin Area).	17	8–30–68	[2] 9–30–68	2–28–69	[19] 13.2295	[3] [7] [17] [18] 13.2486	

[2] The stated effective date is the first day after expiration of tbe statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] The stated effective date is the effective date requested by Respondent.
[6] Two-step periodic rate increase.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.75-cent tax reimbursement.
[9] Subject to a downward B.t.u. adjustment.
[10] Contractually due 16 cents per Mcf.
[11] Filing from initial certificated rate to initial contract rate.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Includes 100 percent of Utab Occupation Tax of 1 percent of tbe annual proceeds and the increase in the Excise Tax of one mill on $1 market value.
[14] Increase from area ceiling rate establisbed by quality statement to contractually due rate.
[15] Includes 0.243 cent per Mcf tax reimbursement.
[16] Rate of 17.2295 cents per Mcf is effective subject to refund in Docket No. RI61–467 whicb is consolidated in tbe Permian "Order to Sbow Cause" in Docket Nos. AR61–1 et al.
[17] Net increase which does not reflect 1 cent per Mcf minimum guarantee for liquids.
[18] Includes partial reimbursement for full 2.55 percent New Mexico Emergency Scbool Tax.
[19] Includes 1 cent per Mcf minimum guarantee for liquids, partial reimbursement for full 2.55 percent New Mexico Emergency Scbool Tax, and effective subject to refund in Docket No. RI64–62.

W. W. Harvey and W. C. Sojourner and the Hidalgo Gas Production Corp. (Hidalgo) request that their proposed rate increases be permitted to become effective as of September 1, 1968. Kickapoo Oils (Operator) et al., request waiver of the statutory notice to permit an effective date of October 1, 1968, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied. Good cause has not been shown for granting Humble Oil & Refining Co.'s request for limiting to 1 day, or as short a period as possible, the suspension period with respect to its rate filing and such request is denied.

The Superior Oil Co.'s (Superior) proposed periodic rate of 22.1947 cents per Mcf for a sale to El Paso Natural Gas Co. (El Paso) from the Aneth Area of Utah where no formal guideline prices have been announced by the Commission for the Aneth Area. Since the proposed rate exceeds the 21 cents per Mcf rate for a similar sale in the Aneth Area which is now under suspension, we conclude that Superior's proposed rate should be suspended for 5 months from November 19, 1968, the proposed effective date.

Hidalgo proposes a net rate increase from 13.2295 cents to 13.2486 cents per Mcf for a sale to El Paso. Hidalgo's contract provides for a 1 cent per Mcf minimum guarantee for liquids; however, Hidalgo did not reflect such minimum guarantee in its present filing and, pursuant to Commission order issued December 7, 1967, in Docket No. RI64–491 et al.,[20] the minimum guarantee has not been added to the proposed rate. Hidalgo is advised that in the event it proposes to collect the 1 cent per Mcf minimum guarantee, it will be required to file a notice of change in rate.

Hidalgo's proposed rate increase reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2 percent to 2.55 percent on April 1, 1963. The buyer, El Paso, in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing, as well as the statutory lawfulness of Hidalgo's proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Superior, mentioned above, for which no formal ceiling rates have been established for the area involved, but exceeds a similar sale in this area which has been suspended by the Commission.

[20] Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.

[F.R. Doc. 68–11987; Filed, Oct. 2, 1968; 8:45 a.m.]

[Docket No. RI69–126]

T. K. HENDRICK ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 26, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfullness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly Sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 12, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69–126	T. K. Hendrick (Operator) et al., 2005 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	8	1	Natural Gas Pipeline Co. of America (Erick Area, Beckham County, Okla.) (Oklahoma "Other" Area).	$203	9–3–68	[1] 10–4–68	[2] 10–5–68	[5] 15.645	[3 4 5 6] 15.66	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 15-cent base rate plus 0.645 cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[6] Includes 0.015-cent tax reimbursement.

T. K. Hendrick (Operator) et al. (Hendrick) request waiver of the statutory notice to permit his proposed rate increase to become effective on October 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Hendrick's rate filing and such request is denied.

Hendrick's proposed increased rate reflects tax reimbursement for the recently enacted increase in the Oklahoma Excise Tax from 0.02 cent to 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rate exceeds the applicable 11 cents per Mcf area increased rate ceiling for the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56). Since the proposed increase relates to tax reimbursement only, we conclude that it should be suspended for 1 day from October 1, 1968, the expiration date of the statutory notice.

[F.R. Doc. 68–11988; Filed, Oct. 2, 1968; 8:45 a.m.]

[Docket No. R-340]

HUMBLE OIL AND REFINING CO. ET AL.

Order Denying Rehearing and Reconsideration of Order No. 362

SEPTEMBER 26, 1968.

Pursuant to section 19(a) of the Natural Gas Act, Humble Oil and Refining Co., Mobil Oil Corp., and Texaco, Inc., on May 1, 1968, Pan American Petroleum Corp., Gulf Oil Corp., and Sun Oil Co., on May 2, 1968, Kerr-McGee Corp., on May 3, 1968, and Philips Petroleum Co., on May 22, 1968, filed applications for rehearing of our Order No. 362, issued on April 2, 1968, in the above-designated proceeding. Shell Oil Co., on May 13, 1968, Sinclair Oil and Gas Co., on May 23, 1968, and Continental Oil Co., on June 20, 1968, filed motions for reconsideration pursuant to section 1.12 of the Commission's rules of practice and procedure.[1] Comments were filed by Texas Gas Transmission Corp. on April 30, 1968, and by Henry W. Sebesta, Jr., attorney at law, on April 29, 1968.

Order No. 362 provides that the interest payable on amounts refunded pursuant to section 4(e) of the Natural Gas Act shall be computed at the prescribed rate compounded monthly.

While in our view the rehearing provisions of section 19(a) are not applicable in this proceeding, we have given reconsideration to the procedural and substantive arguments advanced by petitioners and find that Order No. 362 should neither be reversed nor modified.

Petitioners contend that in promulgating Order No. 362 the Commission ignored due process requirements of the Administrative Procedure Act. They assert that issuance of the order should have been preceded by an evidentiary hearing as well as the publication of a notice of proposed rulemaking inviting the submission of comments.

An agency evidentiary hearing is required only where rules are required by statute to be made on the record. (5 U.S.C. 553.) Neither section 4 nor section 16 of the Natural Gas Act, pursuant to which Order No. 362 was issued, required an evidentiary hearing. Moreover, there was no cause for the Commission to exercise its discretion and provide for an evidentiary hearing since the order under consideration deals with an undisputed economic principle regarding the time value of money.

Notice of proposed rulemaking and an invitation of comments is not required when "the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefore in the rules issued) that notice and public procedure * * * are * * * unnecessary * * *" (5 U.S.C. 553) and we so found in Order No. 362. The basis for that finding, which we adhere to herein, is that the promulgation of the compounding requirement by general rule imposes no burden upon the persons who subsequently may be affected that could not be imposed by ad hoc order in each section 4(e) case involving potential refunds. Thus, prior to the issuance of Order No. 215 on October 9, 1959, which prescribed for independent producers a 6 percent rate of interest by general rule without notice and opportunity to comment,[2] the rate of interest was prescribed on an ad hoc basis. The Commission has continued to prescribe the rate of interest by ad hoc orders in section 4(e) proceedings instituted by natural gas pipelines.

The Commission has examined the substantive objections to Order No. 362 and has concluded that no relevant or material facts have been presented which have not previously been considered in the promulgation of the compound interest requirement.[3]

We are not persuaded that the requirement of calculating interest on a compound basis would impose any significant burden on jurisdictional companies since they are already required to keep detailed records of all amounts received in each billing period as a result of the increased rates. Computation of compound rather than simple interest merely requires the use of a different factor readily available in a tabular form.

The Commission finds: Petitioners' applications for rehearing and reconsideration do not present any new facts or principles of law which were not considered by the Commission when it promulgated Order No. 362, or which having now been considered, warrant modification or reversal of that order.

The Commission orders: Petitioners' applications for rehearing or reconsideration of Order No. 362 dated April 2, 1968, are hereby denied.

Commissioner O'Connor concurring filed a statement filed as part of the original document.

By the Commission.[4]

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-11986; Filed, Oct. 2, 1968; 8:46 a.m.]

[Docket No. G-294 etc.]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

SEPTEMBER 26, 1968.

Take notice that on September 5, 1968, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. G-294 et al., a petition to amend the orders issued heretofore to "Colorado Interstate Gas Company" by substituting in the orders the name of Petitioner, Colorado Interstate Gas Co., a division of Colorado Interstate Corp., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition to amend states that effective September 1, 1968, the corporate name "Colorado Interstate Gas Company" was changed to "Colorado Interstate Corporation", and that the natural gas pipeline business hitherto conducted by Colorado Interstate Gas Co. will hereafter be carried on under the name "Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation." Therefore, Petitioner requests that the certificates heretofore issued to Colorado Interstate Gas Co. be amended to reflect the change in corporate name.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 17, 1968.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 68-11990; Filed, Oct. 2, 1968; 8:46 a.m.]

[Docket No. CP69-74]

LONE STAR GAS CO.

Notice of Application

SEPTEMBER 25, 1968.

Take notice that on September 16, 1968, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP69-74 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of various natural gas facilities for the transportation of natural gas to present industrial customers in Texas and Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to continue to operate various minor facilities installed along its pipeline system for service to its industrial customers in Texas and Oklahoma. Such facilities were constructed and placed in service during the years 1949 through 1959, and no request for certification for these facilities was made to the Commission on the assumption that they were intrastate in character.

Applicant states that no additional facilities are requested nor will the continued operation of existing facilities affect Applicant's ability to render service presently authorized by the Commission.

Applicant further states that the actual cost of the installed facilities was $5,883.57, which was financed from working capital.

[1] Gulf, Humble, and Texaco expressly asked that their applications for rehearing also be treated as motions for reconsideration.

[2] The rate of interest was increased to 7 percent in Order No. 215A issued on Mar. 1, 1960 without notice and opportunity to comment (23 FPC 474).

[3] One petition asserts, as a new consideration, that small independent natural gas producers do not have the use of funds subject to refund as the bonds which they have in the past obtained included a stipulation to the effect that the funds shall be deposited in a frozen account and shall not be used by the independent operator. It is therefore urged that small independent producers be exempted from the requirements of Order No. 362. However, while such bonds were formerly so conditioned, they are no longer so conditioned and the objection therefore is not applicable under current practice.

[4] This order was adopted before Commissioner Ross left the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 23, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11991; Filed, Oct. 2, 1968; 8:46 a.m.]

[Docket No. CP68-307]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

SEPTEMBER 24, 1968.

Take notice that on September 16, 1968, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-307 a petition to amend the certificate of public convenience and necessity issued to it in the said docket by order of July 8, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner asks that the said certificate be amended to delete the authorization for Petitioner to sell an additional 500 Mcf per day of natural gas to Wisconsin Southern Gas Co., Inc. (Wisconsin Southern) under Petitioner's Rate Schedule CD-1 and to substitute therefor authorization for Petitioner to sell such quantity of gas to Iowa Electric Light and Power Co. (Iowa Electric). The Petitioner states that this petition is contingent upon issuance of authorization requested by Petitioner in Docket No. CP68-363 to render up to 52,000 Mcf per day of firm Winter Service.

The Petitioner states that Wisconsin Southern has advised Petitioner that it desires to commit for 500 Mcf per day of Petitioner's proposed Winter Service: *Provided,* That it can be released from its commitment to purchase the 500 Mcf per day of gas which Petitioner was authorized to sell to Wisconsin Southern in Docket No. CP68-307. Further, Petitioner states that it has been advised by Iowa Electric that it wishes to purchase such 500 Mcf per day of CD-1 gas and will commit for that amount in the event that such quantity is released by Wisconsin Southern. Iowa Electric will use such gas to render additional service to The Grain Processing Co., Muscatine, Iowa, an existing customer of Iowa Electric.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 21, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11992; Filed, Oct. 2, 1968; 8:46 a.m.]

[Docket No. CP69-62]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 25, 1968.

Take notice that on September 9, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-62 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, and § 157.7(c) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1969, and operation of gas sales facilities for the sale of natural gas and the miscellaneous rearrangement of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to enable Applicant to act with reasonable dispatch in establishing new and additional delivery points and to make unspecified miscellaneous branchline and town border station rearrangements.

The Applicant states that the proposed facilities are to be used for the sale of natural gas to existing distributors for resale in existing market areas and for direct sales through its Peoples Division. The Applicant further states that firm volumes to be delivered will be provided from the existing contract demand of the distributor involved, or from capacity of the existing pipeline facilities in areas where contract demand rate schedules are not applicable. Such sales and deliveries are not to exceed 100,000 Mcf annually to any distributor through any given facility installed and the gas will not be used or resold for boiler fuel purposes.

The estimated cost of Applicant's proposed facilities and rearrangements is estimated at $300,000, which cost is to be financed from cash on hand. However, Applicant requests a waiver of the provisions of § 157.7(c)(1)(i) of the Commission's regulations which prohibits the filing of an abbreviated application when a distributor is required to make a contribution to the Applicant for cost of construction of facilities. The Applicant states that it is Applicant's policy to require distributors, including its Peoples Division, to make a contribution for the cost of constructing measuring and regulating facilities and appurtenances where no additional contract demand is being purchased by such distributors.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 21, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-11993; Filed, Oct. 2, 1968; 8:46 a.m.]

[Docket No. CP69-77]

SOUTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 25, 1968.

Take notice that on September 18, 1968, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP69-77 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain metering and regulating facilities in Madison County, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to abandon metering and regulating facilities located on Applicant's Gwinville-Pickens pipeline in Madison County. These facilities have been used for the sale of gas to John W. McGowan and J. Collins Wohner (McGowan and Wohner) pursuant to a contract dated July 5, 1962. The gas was used to operate pumps, or other equipment, in the production of oil and gas.

The Applicant states that it seeks the abandonment as a result of cancellation

of the aforementioned contract. Applicant further states that service through the subject facilities was discontinued on June 17, 1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 23, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–11994; Filed, Oct. 2, 1968; 8:47 a.m.]

[Docket No. RI69–117]

AMERADA PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

SEPTEMBER 25, 1968.

On August 26, 1968, Amerada Petroleum Corp. (Operator) et al. (Amerada),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of Change, dated August 21, 1968.[2]

Purchaser and producing area: Natural Gas Pipeline Company of America (Fairbanks Field, Harris County, Tex.) (Railroad District No. 3).

Rate schedule designation: Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 8.

Effective date: September 26, 1968.[3]
Amount of annual increase: $2,736.
Effective rate: 19 cents per Mcf.[4 5]
Proposed rate: 20.46 cents per Mcf.[6]
Pressure base: 14.65 p.s.i.a.

Amerada requests that its proposed rate increase be permitted to become effective as of September 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Amerada's rate filing and such request is denied.

Amerada's proposed increased rate and charge exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 3 as announced in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56(d)) and should be suspended for 5 months from September 26, 1968, the date of expiration of the statutory notice.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon, Supplement No. 12 to Amerada's FPC Gas Rate Schedule No. 8 is hereby suspended and the use thereof deferred until February 26, 1969, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 12, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–11989; Filed, Oct. 2, 1968; 8:46 a.m.]

[1] Address is: Post Office Box 2040, Tulsa, Oklahoma 74102, Attention: Mr. W. H. Bourne.

[2] Includes letter dated July 18, 1968, between buyer and seller providing for the redetermined rate proposed herein.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Present rate is in effect subject to refund in Docket No. RI65–567.

[5] "Fractured" rate increase. Respondent is due a redetermined rate of 19.8 cents per Mcf.

[6] Redetermined rate increase.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GENERAL AVIATION DISTRICT OFFICE AT PORTLAND, MAINE

Notice of Relocation

Notice is hereby given that on or about October 1, 1968, the General Aviation District Office, Portland, Maine, will be relocated at a new address. Services to the general aviation public will continue to be rendered by the General Aviation District Office without interruption at the new location. Communications to the General Aviation District Office should be addressed as follows:

General Aviation District Office, Department of Transportation, Federal Aviation Administration, Administration Building, Portland Municipal Airport, Portland, Maine 04102.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on September 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–12008; Filed, Oct. 2, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment the position of Special Assistant for Manpower Affairs, Office of the Assistant Secretary (Manpower and Research Affairs), Office of the Secretary of Defense. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12028; Filed, Oct. 2, 1968; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Florida Bancorporation, which is a bank holding company located in Haines City, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Commercial Bank of Tampa, Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 26th day of September 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-11997; Filed, Oct. 2, 1968; 8:47 a.m.]

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Florida Bancorporation, which is a bank holding company located in Haines City, Fla., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Marine Bank and Trust Co., Tampa, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 26th day of September 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-11998; Filed, Oct. 2, 1968; 8:47 a.m.]

DENVER U.S. BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Denver U.S. Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of Arkansas Valley Bank, Pueblo, Colo.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 25th day of September 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-11996; Filed, Oct. 2, 1968; 8:47 a.m.]

DEPOSITORS CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Depositors Corporation, which is a bank holding company located in Augusta, Maine, for the prior approval of the Board of the acquisition by Applicant of at least 51 percent of the voting shares of The First National Bank of Fort Fairfield, Fort Fairfield, Maine.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed

transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Sections 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the communtiy to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 26th day of September 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-11995; Filed, Oct. 2, 1968; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry and Withdrawal From Warehouse for Consumption

SEPTEMBER 30, 1968.

On September 18, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Colombia concerning exports of cotton textiles and cotton textile products from Columbia to the United States over a 3-year period beginning on July 1, 1968, and extending through June 30, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories; within the aggregate limit, group limits on Categories 1–4, 5–27, and 28–64; and within both of the aforesaid limits, specific limits on certain categories for the first agreement year beginning on July 1, 1968. The categories with specific limits are Categories 5/6, 9, 16, 19, 22, and 26, with a sublimit on duck fabric (part of Category 26).

The agreement also contains a provision covering overshipments of cotton textiles from Columbia which occurred during the 12-month period beginning on July 1, 1967 and extending through June 30, 1968. Pursuant to this provision, these overshipments are to be charged against the aggregate and applicable group, and specific limits during each of the 3 agreement years.

Accordingly, there is published below a letter of September 26, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Categories 1 through 27, produced or manufactured in Columbia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1968 and extending through June 30, 1969, be limited to the designated adjusted levels. The letter does not establish controls on Categories 28–64, but notes that such controls may be established during the present agreement year, i.e., the 12-month period beginning July 1, 1968. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

SEPTEMBER 26, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 18, 1968, between the Governments of the United States and Colombia, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning July 1, 1968 and extending through June 30, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1 through 27 produced or manufactured in Colombia, in excess of the adjusted levels of restraint set forth below.

The combined adjusted level of restraint for Categories 1 through 4 shall be 2,943,727 pounds.[1]

The overall adjusted level of restraint for Categories 5 through 27 shall be 16,031,747 square yards.[1]

Within the overall adjusted level of restraint for Categories 5 through 27, the following adjusted specific levels of restraint shall apply:

Category	Adjusted 12-month level of restraint
5/6	1,800,000 square yards of which not more than 300,000 square yards shall be in Category 6.
9	2,966,920 square yards.[1]
16	900,000 square yards.
19	1,000,000 square yards.
22	5,206,207 square yards.
26	2,948,930 square yards of which not more than 440,477 square yards shall be in duck fabric.[2]

[2] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

Cotton textiles which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 18, 1968, between the Governments of the United States and Colombia which provides in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The bilateral agreement of September 18, 1968, also provides a group limit on Categories 28–64. Import controls on these categories at an overall level of 600,000 square yards equivalent may be established during the current agreement year. In such an event you will be advised in a further directive from me.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Commitee.

[F.R. Doc. 68-12021; Filed, Oct. 2, 1968; 8:49 a.m.]

[1] These levels of restraint have been adjusted pursuant to paragraph 15 of the bilateral agreement to reflect entries and withdrawals from warehouse for consumption made prior to Sept. 13, 1968, of cotton textiles exported prior to July 1, 1968. They have not been adjusted to reflect entries of cotton textiles exported on or after July 1, 1968.

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

SEPTEMBER 27, 1968.

On September 25, 1968, the U.S. Government, in furtherence of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning September 29, 1968, and extending through September 28, 1969, the restraint on imports into the United States of cotton textile products in Category 43, produced or manufactured in Malaysia. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of September 26, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 43, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning September 29, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

SEPTEMBER 26, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective September 29, 1968, and for the 12-month period extending through September 28, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 43 produced or manufactured in Malaysia, in excess of a level of restraint for the period of 17,325 dozen.

In carrying out this directive, entries of cotton textile products in Category 43 produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to September 29, 1968, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period September 29, 1967, through September 28, 1968. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 43 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-12022; Filed, Oct. 2, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933 ET AL.

Request for Comments on Whether Staff Interpretative and No-Action Letters Should Be Made Available to the Public

Securities Act of 1933, Release No. 4924; Securities Exchange Act of 1934, Release No. 8410; Holding Company Act of 1935, Release No. 16166; Trust Indenture Act of 1939, Release No. 253; Investment Company Act of 1940, Release No. 5494; Investment Advisors Act of 1940, Release No. 229.

There have recently been suggestions made that interpretative advice and "no-action" letters provided by staff officials of the Commission to inquiring persons should be made publicly available.[1] The Commission has been weighing the advantages and disadvantages of following such a procedure and would appreciate receiving the comments of interested persons.

Initially, the Commission notes that under its interpretation of the Public Information Act, 5 U.S.C. 552, this information is not required to be made public. That Act requires "those statements of policy and interpretations which have been adopted by the agency" to be made available for public inspection and copying, 5 U.S.C. 552(a)(2)(B), and provides generally that identifiable records of an agency must promptly be made available to any person upon request, 5 U.S.C. 552(a)(3). The Commission has by rule described the means by which the Commission itself may, in its discretion, provide informal policy and interpretative statements upon request, but has made clear that "opinions expressed by members of the staff do not constitute an official expression of the Commission's views * * *." 17 CFR 202.1(d). Furthermore, the rule adopted by the Commission to implement the Public Information Act, in reliance upon an exemption from its provisions, 5 U.S.C. 552(b)(4), at present provides that "[t]rade secrets and commercial or financial information obtained from a person and privileged or confidential, including * * * [i]nformation obtained in connection with interpretative letters or no-action letters which is deemed to have been submitted in confidence unless the contrary clearly appears" will not generally be published or made available to any person. 17 CFR 200.80(c)(4).

We also note that the Commission has an established policy of publishing from time to time releases which state its views or those of responsible members of its staff with respect to significant interpretative or policy questions arising under the Acts which it administers, or reflect and summarize interpretations which have been issued by the staff with respect to various matters, or state the procedures and policies pursued in the administration of various aspects of the Federal securities laws. It is intended that this policy will be increasingly pursued in the months ahead, regardless of what decision is ultimately reached with respect to the availability of staff interpretative and no-action letters.

The informal advice given by members of the Commission's staff to the public frequently takes the form of interpretative letters and no-action letters.[2] The former, of course, are opinions of the application of the law to contemplated factual situations. In a no-action letter, an authorized officer of the Commission's staff may state with respect to a specific proposed transaction that the staff will not recommend to the Commission that it take enforcement action if the transaction is consummated exactly as it has been described.[3]

In the past, neither interpretative letters, no-action letters, nor the inquiries

[1] See, Remarks of Professor Kenneth Culp Davis, Panel Discussion, Public Information Act and Interpretative and Advisory Rulings, 20 Admin. L. Rev. 1, 28–29 (1967); Report of Committee on Public Information, 5 Annual Reports of Committees, Section of Administrative Law, A.B.A. 74 (1968).

[2] Part 202 of Title 17 of the Code of Federal Regulations describes the informal and other procedures that may be employed by members of the public in dealing with the Commission. Section 202.2 pertains to prefiling assistance and interpretative advice, noting that inquiries may be directed to an appropriate officer of the Commission's staff.

[3] "A no-action letter may, in fact, be an interpretation of the statute; most often, however, it is something entirely different. It may be a policy decision in a particular case, after considering the priorities and problems before the agency, the manpower available [and] the effects on the public * * *, whether it is necessary to crank up a proceeding if someone should proceed in the manner suggested." Panel Discussion, Public Information Act and Interpretative and Advisory Rulings, 20 Admin. L. Rev. 1, 24 (1967).

upon which they have been based have generally been made available to the public. In part, this policy has been based upon a belief that a member of the public should be able to obtain the advice of the Commission's staff without fear that information provided to the staff for that purpose might be made public in a manner that might adversely affect his lawful business activities or invade his personal privacy. Untimely disclosure of information might also prejudice the interests of others and in some instances could have an unwarranted impact upon the public securities markets. The willingness of the staff to state its position with respect to particular proposed transactions has undoubtedly promoted compliance with the statutes by reducing uncertainty and by deterring persons from consummating transactions which they might otherwise proceed with in the mistaken belief that no enforcement action would be called for. If fear of public disclosure should reduce the flow of requests for such letters, certain of these benefits might be lost. The danger also exists that undue significance might be attributed to the positions reflected in no-action and interpretative letters by persons overlooking the context in which they were given, particularly if all relevant facts are not included or policy considerations are not articulated. Some persons also might not appreciate the fact that not all no-action letters reflect an interpretation of the statute or rules, since in some instances no interpretation is involved but merely the expression of a judgment with respect to enforcement policy.

On the other hand, it has been stated that "it would seem anamalous that an agency which embraces disclosure as a fundamental philosophy should adopt a flat nondisclosure policy with respect to administrative determinations it generates," [4] and it has been contended that "* * * some of the most important law of the SEC is embodied in this big batch of no-action letters. This is law. The interpretations are law." [5] While the Commission does not agree that this much significance should be attached to views expressed by the staff, it may nevertheless be true that practitioners might find these letters helpful, even if available in a modified form, as, for example, with identifying details deleted. Further advantage of public disclosure may result from the fact that some persons may be less than candid in purporting to provide the complete and accurate information requested by the staff; if a procedure were adopted by which all requests for no-action and interpretative letters were made public in the form in which received, it is argued that this would be less likely to occur. Another possible advantage of public disclosure might be that of discouraging unnecessary requests. The Commission's staff has been faced with a growing volume of requests for no-action and interpretative letters and has found it increasingly difficult to devote to each the degree of analysis it deserves. It may be that the informal advisory procedures are increasingly being employed by attorneys as a substitute for their own examination of applicable precedents and other materials from which an attorney may and should be able to draw his own conclusions without imposing upon the time of the Commission's staff and that in such situations public disclosure of their requests might serve to discourage them. It is argued, however, that even full public disclosure may not be considered too high a price to pay for the expert views of the staff on novel questions of law or on the application of existing principles to novel or unusually complex factual situations.

In light of the foregoing factors, it appears to the Commission that the legitimate concerns that suggest the necessity for public disclosure on the one hand and those which on the other hand would seem to militate in favor of the present policy of nondisclosure are largely related to interests of members of the public. Indeed, an attorney who may today seek the fullest possible access to statements previous made by the staff to other persons, as well as the facts upon which they are based, may tomorrow vigorously resist public disclosure of the facts related to his own client's inquiry. From its viewpoint, the Commission is satisfied that neither administrative necessity nor convenience compels either adherence to or rejection of the present policy of nondisclosure.

An approach that has been suggested to, and which is under consideration by, the Commission would be the public disclosure of all interpretative and no-action letters, and the requests to which they respond, but only after an appropriate length of time has elapsed—such as 2 or 3 months. It is argued that this would eliminate the possibility in many cases of a premature public disclosure of the facts involved in the requests when such disclosure might adversely effect significant lawful interests and might thus permit full and unabridged disclosure of both inquiry and response. Such a procedure could be made flexible to provide that disclosure in an appropriate case could be accelerated or delayed.

This approach would assure the fullest practicable disclosure of useful information and would have the additional advantage of ease of operation—a significant factor at a time of budgetary limitations and manpower reductions. Those benefits would be obtained, however, by denying confidential treatment to persons seeking advice in all but the most exceptional cases—a result which, it is argued, may significantly impair the usefulness of the informal procedures to members of the public.

As indicated above, consideration has also been given to the possibility that the inquiries received from members of the public might be retained in confidence while the no-action or interpretative letters written by the staff are made available with identifying details deleted. But it would appear that such an attempt to afford confidential treatment may, at considerable cost, render meaningless if not affirmatively misleading the edited staff responses.

To some extent, no-action requests stem from uncertainty as to the correct legal answers to particular problems. Some measure of uncertainty is inevitable in the application of general propositions to concrete cases. The Commission has in the past attempted through rule making and other efforts to reduce the extent of the area of uncertainty. At the moment, a broad study of disclosure policy is underway at the Commission. It is hoped that these steps will, in time, reduce the need for no-action letters in particular fact situations.

All interested persons are invited to submit their views and comments, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before November 1, 1968. Such communications will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 20, 1968.

[F.R. Doc. 68-12015; Filed, Oct. 2, 1968; 8:49 a.m.]

[4] Report of Committee on Public Information, 5 Annual Reports of Committees, Section of Administrative Law, A.B.A. 74, 78-79 (1968).

[5] Remarks of Professor Kenneth Culp Davis, Panel Discussion, Public Information Act and Interpretative and Advisory Rulings, 20 Admin. L. Rev. 1, 29 (1967).

[File No. 1-2250]

COMSTOCK-KEYSTONE MINING CO.

Order Suspending Trading

SEPTEMBER 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Comstock-Keystone Mining Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 30, 1968, through October 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-12009; Filed, Oct. 2, 1968; 8:48 a.m.]

[812-2371]

CONNECTICUT GENERAL LIFE INSURANCE CO., AND CG VARIABLE ANNUITY ACCOUNT I

Notice of Application for Exemptions

SEPTEMBER 26, 1968.

Notice is hereby given that Connecticut General Life Insurance Co. ("CG

Life") and CG Variable Annuity Account I ("Separate Account") Hartford, Conn. 06115 (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act") for an order exempting Separate Account from the provisions of sections 12(d)(1), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)(2) of the Act. Separate Account is a unit investment trust registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

CG Life has established Separate Account in order to offer group variable annuity contracts which are designed for annuity purchase plans of public school systems and certain tax exempt organizations and which qualify as tax deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of certain deductions) through Separate Account in the shares of Companion Fund, Inc. ("Fund"), a diversified, open-end management investment company.

The contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options, commencing on a maturity date selected by the purchaser. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

CG Life is a stock life insurance company chartered by the State of Connecticut. Separate Account was established by CG Life's board of directors pursuant to the laws of Connecticut. Under such laws, the assets maintained by Separate Account may not be charged with any liabilities arising out of any other business conducted by CG Life, and the income, gains, or losses of Separate Account may be credited to or charged against the assets of Separate Account without regard to the other income, gains, or losses of CG Life. Assets of Separate Account will be held by Hartford National Bank and Trust Co. pursuant to an agreement of custodianship entered into by CG Life on behalf of Separate Account. All obligations under the contracts are general corporate obligations of CG Life and all of the latter's assets are available to meet the obligations and expenses under the contracts.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1) provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

The securities of Separate Account may be deemed to be periodic payment plan certificates but purchases of Fund shares will be pursuant to terms of an agreement of custodianship rather than a trust indenture. The custodianship arrangements and the Connecticut law and regulations applicable to CG Life and Separate Account will afford the essential protections which section 26(a) of the Act was designed to provide. The purchase of Fund shares for Separate Account will be made in substantially the same manner as a purchase would be made if the assets of Separate Account were held pursuant to the terms of a trust indenture.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current public offering price described in the prospectus. The contracts which will be issued by Applicants provide for a combined charge for sales and administrative expenses. The combined charge is appropriate because of the impossibility of determining in advance for each contract the proportions of such combined charge which will be attributable to each type of expense. Such proportions will vary from case to case depending on the amount of assistance provided by the employer-purchaser of the contract in connection with the sale and administration of such contract. Since on the basis of actual experience the proportions of sales charges and accordingly the current public offering price will vary from contract to contract for the reasons referred to above, Applicants request an exemption from the requirements of section 22(d).

Applicants request a further exemption from the provisions of section 22(d) to permit the group variable annuity contracts to contain a provision for experience rating credits. CG Life will annually determine its experience with respect to sales and administrative expenses allocable to each group contract to determine whether amounts deducted exceeded the actual costs for the prior year. On the basis of such determination, CG Life, in its discretion, may allocate to the participants in Separate Account all, a portion or none of such excess as an experience rating credit. Any excess so allocated will be applied in one of two ways: (a) By a reduction in the amount deducted from subsequent contributions for sales and administrative expenses or (b) by the crediting to participants of a number of additional accumulation units or annuity units as applicable, equal in value to the amount of credits due less applicable premium taxes. No additional deduction will be made if the charges fail to cover CG Life's actual costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Separate Account, a registered investment company, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption and prohibit Separate Account from selling any periodic payment plan certificate unless such certificate is a redeemable security.

Applicants state that mortality tables are employed to determine the amounts of annuity payments under the variable annuity contracts and that such tables assume that the "pool" created by the value of the individual accounts of persons electing an annuity will be spread over the expected future lifetimes of all annuitants of a similar class. It is assumed that the value of the amounts released by the deaths of annuitants prior to the average future lifetime will offset payments made to annuitants who live beyond the average future lifetime. If redemptions could be effected during the annuity payment period, the actuarial basis for determining annuity payments would be undermined. To preserve the mortality guarantee underlying annuity payments, it is necessary that the variable annuity contracts not provide a right of redemption after annuity payments commence. Thus, Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should be precluded from surrendering his contract for a cash settlement.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee,

not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services delegated to the custodian.

Applicants request exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement, which in all other respects meets the requirements of those sections, does not provide that the assets of Separate Account will be held in trust. Applicants state that in all dealings with persons having rights under contracts issued by Separate Account, CG Life will operate as a regulated insurance company subject to the extensive authority and jurisdiction of the Connecticut Commissioner of Insurance. Applicants state that such authority and jurisdiction afford the essential protections against the orphanage of Separate Account which the trusteeship under section 26(a) and 27(c)(2) is designed to provide. Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 16, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12010; Filed, Oct. 2, 1968; 8:48 a.m.]

[812–2386]

NIAGARA SHARE CORP., ET AL.

Notice of Filing of Application for Order Permitting Proposed Transaction

SEPTEMBER 27, 1968.

In the matter of Niagara Share Corp., 70 Niagara Street, Buffalo, N.Y. 14202; George F. Goodyear, Marine Trust Building, Buffalo, N.Y. 14203; J. Fred Schoellkopf IV, Marine Midland Trust Company of Western New York, Buffalo, N.Y. 14203; Paul A. Schoellkopf, Jr., 70 Niagara Street, Buffalo, N.Y. 14202; Franz T. Stone, Columbus McKinnon Corp., Tonawanda, N.Y. 14150; 812–2386.

Notice is hereby given that Niagara Share Corp. ("Niagara Share"), a registered closed-end investment company, George F. Goodyear, J. Fred Schoellkopf IV, Paul A. Schoellkopf, Jr., and Franz T. Stone (collectively referred to as "Applicants" herein), have filed an application under section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder for an order permitting participation in the sale of shares of Crescent Niagara Corp. ("Crescent") to Cooper Industries, Inc. ("Cooper") by Niagara Share and persons who are or may be affiliated persons of Niagara Share. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On August 26, 1968, Cooper made an offer to purchase all the outstanding shares of Crescent's capital stock tendered to it on or before September 30, 1968, at the price of $16 per share. The offer is on an identical basis to all shareholders of Crescent and is conditioned on Cooper receiving tenders of not less than 80 percent of the Crescent shares outstanding. If less than 80 percent of the shares are tendered, Cooper may, but is not obligated to purchase all, but not less than all, of the shares tendered. Cooper has no direct or indirect interest in Crescent nor does Crescent have any direct or indirect interest in Cooper.

Crescent, a manufacturer of hand tools, in 1967 reported sales of $15,700,000 and a net loss of $44,000 or 7 cents per share (after a deduction of 54 cents per share for an extraordinary item). It had a profit of 63 cents per share in 1966. As of December 31, 1967, the book value per share amounted to $7.89. Applicants state that the tender price of $16 per share exceeds the highest bid price for the common stock of Crescent since 1958. The application further states that Crescent has paid no dividends since 1965 and that there appears to be little possibility of a dividend in the near future.

Niagara Share owns approximately 21 percent of Crescent's outstanding common stock. At the tender price of $16 per share such holdings constituted about 2 percent of the value of Niagara Share's net assets of approximately $115 million as of June 30, 1968.

The following persons are officers and/or directors of both Niagara Share and Crescent. Each is also a shareholder of Crescent and the percentage of Crescent shares so owned is indicated: Messrs. George F. Goodyear (2.3 percent); J. Fred Schoellkopf IV (7.7 percent); Paul A. Schoellkopf, Jr. (4.9 percent); Jacob F. Schoellkopf V (0.6 percent); Franz T. Stone (0.4 percent); Felix L. Piech (0.5 percent). The foregoing individuals have agreed to accept Cooper's tender offer. Each is an affiliated person of Niagara Share within the meaning of section 2(a)(3) of the Act. The application also states that various other shareholders of Crescent who have agreed to accept the tender offer may also be affiliated with Niagara Share.

The application further states that the Investment Committee of Niagara Share (two of whose four members are Paul A. Schoellkopf, Jr., and J. Fred Schoellkopf, IV), which is charged with the responsibility for the purchase and sale of investments, approved the acceptance of Cooper's tender offer unanimously and that the executive committee of Niagara Share's board of directors (a majority of which are neither officers nor directors of Crescent), unanimously ratified acceptance of the offer. The application alleges that this decision is consistent with the general investment policy of Niagara Share to eliminate "special situations" from its portfolio.

In support of the application, it is alleged that participation by Niagara Share in the proposed sale pursuant to the tender offer is on a basis no different from or less advantageous than that of other Crescent shareholders and that consummation of the tender offer is clearly in the best interest of Niagara Share and the other Crescent shareholders and is consistent with the provisions, policies, and purposes of the Act.

Rule 17d–1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of any registered investment company shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than October 16, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12011; Filed, Oct. 2, 1968; 8:48 a.m.]

ROVER SHOE CO.

Order Suspending Trading

SEPTEMBER 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 28, 1968, through October 1, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12012; Filed, Oct. 2, 1968; 8:48 a.m.]

[File No. 1–2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

SEPTEMBER 27, 1968.

The capital stock 1 cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 28, 1968, through October 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12013; Filed, Oct. 2, 1968; 8:48 a.m.]

[812–2381]

UTAH BUSINESS DEVELOPMENT CORP.

Notice of Filing of Application for Order Declaring Company Exempt From the Act

SEPTEMBER 27, 1968.

Notice is hereby given that Utah Business Development Corp. ("applicant"), 146 South Main Street, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah authorizing and governing the organization and operation of business development corporations, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant from the provisions of the Act. All interested persons are referred to the application and the amendments thereto, which are on file with the Commission, for a statement of the representations therein, which are summarized below.

Applicant represents that its primary function is to supply needed capital to Utah businesses, which businesses are unable to obtain capital from conventional lending sources and that its primary motive is the industrial and commercial expansion of Utah. Applicant will do business only in Utah and only with companies or other business entities doing or proposing to do business in Utah (although some of the companies may be non-Utah corporations).

Businesses requesting loans from applicant will be investigated. No loan will be made unless it appears from such investigation that (i) the proposed loan has been refused by a financial institution doing business in Utah and which, in the ordinary course of business, grants loans similar in amount and kind to the requested loan, and (ii) the proposed borrower's plan of business has merit and does or will contribute to the economic development of Utah.

Applicant's authorized capital consists of 2,000 shares of common stock with a par value of $500 a share. Applicant plans to offer 600 shares of common stock pursuant to Regulation A under the Securities Act of 1933. Applicant represents that its stock will be sold to persons sophisticated in securities matters who will acquire the stock for investment purposes and not for the purpose of further distribution. The stock will be offered at its par value of $500 per share and no commission or discount will be paid to anyone in connection with the sale of the stock by the applicant.

In addition to equity capital, applicant will rely, for funds available for lending, upon loans from banks, savings and loan institutions and other institutions engaged in the lending of funds which have become members of applicant pursuant to the provisions of Utah's Business Development Corporations Act. In general, such loans are limited to a small percentage of the capital structure of the member, with a ceiling of 20 percent of the total amount then outstanding on loans to the applicant, and will be made on a prorata basis from the members based upon each member's loan limit. The terms of such loans will be negotiated and will be uniform to all members. The interest rate paid to members will exceed the prime rate by not less than one-fourth of 1 percent. Applicant estimates that its maximum initial debt capital from loans from members and from the Small Business Administration will be approximately $3 million.

Applicant represents that memberships will be limited to banks and savings and loan associations charted by and doing business in the State of Utah, national banks, and federal savings and loan associations charted by or located in and doing business in Utah. Applicant further represents that its members will be sophisticated in securities matters and will acquire notes issued to them for investment purposes and not for the purpose of further distribution.

Since applicant will be engaged in the business of investing and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, applicant is an investment company within the definition of section 3(a)(3) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act.

Applicant states that it has been formed and will operate in order to accomplish the public purposes of the

Business Development Corporations Act which are the stimulation and promotion of the business prosperity and economic welfare of the State of Utah, the encouragement of new industry, and the expansion of existing businesses and industries throughout Utah. Applicant further states that neither it nor the holders of its securities are or will be motivated primarily by the prospects of possible profits of applicant, but by the purposes set forth in the Business Development Corporations Act. Applicant states that the nature of applicant and of its proposed operation is such that its regulation under the Act is not necessary to accomplish the purposes of the Act and that applicant should be granted an exemption pursuant to section 6(c) of the Act.

Notice is further given that any interested person may, not later than October 17, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–12014; Filed, Oct. 2, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1224]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 27, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2136 (Sub-No. 26), filed September 11, 1968. Applicant: CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind. 46621. Applicant's representatives: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, and Ernest J. Greenwald (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467 and commodities in bulk, between the plantsite(s) and/or warehouse facilities of the Continental Steel Corporation, located at or near Kokomo, Ind., on the one hand, and, on the other, points in the United States located on and east of U.S. Highway 85. Restriction: Restricted to the transportaion of Continental Steel Corp., traffic originating at or destined to the plantsite(s) and/or warehouse facilities of Continental Steel Corp., located at or near Kokomo, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Louisville, Ky.

No. MC 2202 (Sub-No. 358), filed September 11, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Wichita Falls, Tex., and Sherman, Tex., over U.S. Highway 82, as an alternate route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 2860 (Sub-No. 38), filed September 12, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned citrus and fruit products, chilled citrus and fruit products, and frozen citrus and fruit products,* from points in Ware County, Ga., and Kissimmee, Fla., to points in Arkansas, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, Alabama, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, North Dakota, South Dakota, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 3581 (Sub-No. 13), filed August 22, 1968. Applicant: THE MOTOR CONVOY, INC., Post Office Box 82432,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Atlanta, Ga. 30054. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and rubber tired farm type tractors* in secondary movement in truckaway and driveaway service, between points in Louisiana, on the one hand, and, on the other, points in Louisiana, Mississippi, Arkansas, Alabama, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 5470 (Sub-No. 44), filed September 13, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys and silicon metal*, in bulk, in dump vehicles, from Ashtabula and Marietta, Ohio, and Alloy, W. Va., to points in Connecticut, Delaware, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 5470 (Sub-No. 45), filed September 13, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, alloys, ores, and silicon metals*, in dump vehicles, between Bridgeport, Conn., Newark, N.J., and Newport News, Va., on the one hand, and, on the other, points in New York, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York City, N.Y.

No. MC 10761 (Sub-No. 229), filed September 11, 1968. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naidow (same as above), and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, serving the plantsite of Grinnell Corp., located at or near Hampton, in Reading Township, Adams County, Pa., as an off-route point in connection with applicant's regular route authority to and from Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 13308 (Sub-No. 1), filed September 12, 1968. Applicant: POPLARVILLE TRUCK LINE, INC., 553 South Broadway, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and/or frozen foods, and advertising promotional or display material traveling therewith*, from points in Sunflower County, Miss., to points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia; (2) *cans, boxes, cartons, and containers*, from Tampa, Fla.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Dallas, Houston, and Arlington, Tex.; Kansas City and St. Louis, Mo.; Chicago, Ill.; Austin, Ind.; Winchester, Va.; and Spartanburg, S.C., and their respective commercial zones as defined by the Commission, to points in Sunflower County, Miss.; (3) *cardboard, fiberboard, paper, and composition containers*, from Memphis and Nashville, Tenn.; Birmingham, Ala.; Atlanta, Ga.; Monroe and New Orleans, La.; Dallas and Houston, Tex., and their respective commercial zones to points in Sunflower County, Miss.; and (4) *machinery, parts, accessories, equipment, supplies, implements, parts, appliances and products usually or customarily used or useful in the processing, manufacture, packing, freezing, or canning of foodstuffs*, from points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Ohio, Virginia, Maryland, and the District of Columbia to points in Sunflower County, Miss. NOTE: Applicant states no duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson or Greenville, Miss.

No. MC 29120 (Sub-No. 102), filed September 16, 1968. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representatives: E. J. Dwyer (same address as applicant), and Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's present authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41406 (Sub-No. 22), filed September 11, 1968. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant and warehouse sites of Allied Structural Steel Co. at Hammond, Ind., Clinton, Iowa, Minneapolis, Minn., and Knoxville and Clinton, Tenn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin and (2) *equipment, materials, supplies, and paraphernalia*, used in, or incidental to the erection and dismantling of bridges, buildings and other structures, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, restricted to movements from, to, or between the construction sites of Allied Structural Steel Co. NOTE: Applicant states the above requested authority is restricted against tacking with any other authority presently held by applicant. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 106), filed September 16, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and container ends and accessories;* and *materials and supplies* used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends, from Cleveland, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin. NOTE: Applicant states that the primary purpose of the instant application is not to allow tacking. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52579 (Sub-No. 113), filed September 12, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Wilfred Able (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *materials and supplies* used in the manufacture of wearing apparel; (1) between Jacksonville, Fla., on the one hand, and, on the other, Hayesville, N.C., and Blairsville, Ga., and Greenville, S.C.; and (2) between Greenville, S.C., on the one hand, and, on the other, Hayesville, N.C., and Blairsville, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52704 (Sub-No. 65), filed September 12, 1968. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Glass bottles and containers* for food and beverage, from the plantsite of Laurens Glass, Inc., located at or near Simsboro, La., to points in Kentucky, Illinois, Indiana, and West Virginia; and (2) *Cullett (scrap glass)*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52704 (Sub-No. 66), filed September 12, 1968. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, beer can openers, and related advertising material*, from Longview, Tex., to Anniston, Birmingham, and Talladega, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 57315 (Sub-No. 13), filed September 13, 1968. Appplicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts*, except liquid commodities when shipped in bulk, in tank vehicles, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 309 and 766, (a) from New Haven, Conn., and Boston, Mass., to points in Massachusetts, and (b) from New Haven, Conn., to points in Rhode Island; and (2) *frozen foods*, (a) from New Haven, Conn., to points in Massachusetts and Rhode Island, (b) from Stratford, Conn., to points in Massachusetts, and (c) from East Hartford, Conn., to Salem and Chelsea, Mass., Manchester, Nashua, and Salem, N.H., and Portland, Maine. NOTE: Applicant states that the above sought authority is a partial duplication of the presently held authority in MC 57315 (Sub-No. 1). Applicant states that it could tack at Boston, Mass., with its presently held authority in Docket No. MC 57315 (Sub-No. 1) wherein it is authorized to conduct operations in the State of Connecticut. If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 59680 (Sub-No. 161), filed September 16, 1968. Applicant: STRICKLAND TRANSPORTION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, Mass., and Cleveland, Ohio, over Interstate Highway 90, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 59680 (Sub-No. 162), filed September 16, 1968. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Memphis, Tenn., and Newark, N.J., from Memphis over Interstate Highway 40 to Knoxville, Tenn. (using U.S. Highway 70 between Monterrey and Kingston, Tenn., where Interstate Highway 40 may not be completed), thence over Interstate Highway 81 to Harrisburg, Pa. (using U.S. Highway 11 where Interstate Highway 81 may not be completed), thence over U.S. Highway 22 to Newark, N.J., as an alternate route for operating convenience only in connection with applicant's otherwise authorized operations, serving no intermediate points; and (2) between Memphis, Tenn., and Philadelphia, Pa., from Memphis to Harrisburg, Pa., as specified in (1) above, thence over U.S. Highway 230 to junction U.S. Highway 30 near Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., as an alternate route for operating convenience only in connection with applicant's otherwise authorized operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 59680 (Sub-No. 163), filed September 16, 1968. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and the site of the terminal of Strickland Transportation Co., Inc., near Richfield, Ohio, from Memphis over Interstate Highway 40 to Nashville, Tenn., thence over Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to the site of Strickland Transportation Co., Inc., terminal; also from junction Interstate Highways 71 and 271 over Interstate Highway 271 to junction Ohio Highway 176, thence over Ohio Highway 176 to the site of the terminal of Strickland Transportation Co., Inc., near Richfield, Ohio, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 61440 (Sub–No. 114) (Correction), filed August 15, 1968, published in the FEDERAL REGISTER issue of August 29, 1968, and republished as corrected this issue. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, and those commodities requiring special equipment), when moving (1) on Government Bills of Lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of *Government Rate Tariff-Eastern Central 332 I.C.C. 161, 164, 165*, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, and Utah. NOTE: (1) The purpose of this republication is to correctly set forth the authority sought, portions of which were inadvertently omitted in the previous publication. (2) Applicant states it could tack at points in Indiana, Illinois, Missouri, Texas, Oklahoma, and Kansas, to provide a service to and from points in Ohio, Pennsylvania, West Virginia, and New York, set forth in its presently held authority in MC 61440 (Sub 89). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61440 (Sub-No. 115), filed September 6, 1968. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (except commodities in bulk, household goods as defined by the Commission, and those commodities requiring special equipment), when moving (1) on Government Bills of Lading, and (2) on commercial bills of lading containing endorsements approved in interpretation of Government Rate Tariff-Eastern Central 332, I.C.C. 161, 164, 165, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, and Utah. NOTE: Common control may be involved. Applicant states it intends to tack at points in Indiana, Illinois, Missouri, Texas, Oklahoma, and Kansas, to provide service to and from points in Ohio,

Pennsylvania, West Virginia, and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 253), filed September 12, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities which because of size or weight require special equipment or handling;* (2) *commodities not requiring special equipment or handling* when moving with commodities requiring special equipment or handling; and, (3) *parts, attachments, and accessories* for commodities described in (1) and (2) above, between the plantsite of West Virginia Pulp & Paper Co., near Wickliffe, Ky., on the one hand, and, on the other, points in California, Connecticut, Illinois, Louisiana, Missouri, Massachusetts, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Washington, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76177 (Sub-No. 320), filed August 8, 1968. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *High explosives and blasting supplies*, between points in Alabama, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; (b) *classes A and B explosives and blasting supplies;* (1) between Seneca, Ill., Mooar, Iowa, Joplin, Mo., and Gibbstown and Pompton Lakes, N.J., and points within 15 miles of each, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham; (2) between Nemours, W. Va., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; (3) between Allentown, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

(4) Between Reynolds and White Haven, Pa., and points within 15 miles of each, on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia; (5) between McAdory, Ala., and Carthage, Mo., and points within 15 miles of each, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; (6) between Kenvil, N.J., and points within 15 miles thereof, on the one hand, and, on the other, points in North Carolina and South Carolina; (7) between Jasonville, Ind., and points within 15 miles thereof, on the one hand, and, on the other, points in Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia; (8) between Nemours, W. Va., and Moosic, Pa., and points within 15 miles of each, on the one hand, and, on the other, points in Illinois, Indiana, and Iowa; (9) between Atlas, Mo., and points within 6 miles of Carthage, Mo., on the one hand, and, on the other, points in Colorado, Utah, and Wyoming; (10) between Rio Grande, N.J., and points within 5 miles thereof, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi; (11) between Springville, Utah, and points within 15 miles thereof, on the one hand, and, on the other, points in Kansas, Missouri (except Atlas, Mo., and points within 6 miles of Carthage, Mo.), Oklahoma, and Texas; (12) between Grafton, Ill., and points within 2 miles thereof, on the one hand, and, on the other, points in Indiana, Kentucky, Missouri, Ohio, Virginia, and West Virginia (except Nemours, W. Va.); (13) from Mooar, Iowa, and points within 15 miles thereof, to points in Tennessee and those in Alabama (except Birmingham and points within 15 miles thereof).

(14) From Pompton Lakes and Gibbstown, N.J., and points within 15 miles of each, to points in Florida, Georgia, Louisiana, Mississippi, and Tennessee, and those in Alabama (except Birmingham and points within 15 miles thereof); (15) from Nemours, W. Va., and points within 15 miles thereof to points in Florida; (16) from Port Ewen, N.Y., and points within 15 mile thereof, to points in Alabama, Louisiana, and Mississippi; (17) from Reynolds and White Haven, Pa., Wolf Lake, Ill., Atlas, Mo., and points within 15 miles of each, to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia (except from Atlas, Mo., and points within 15 miles thereof, to Alexandria, La., and points in Texas); (18) from Mineral Springs, Ala., and points within 15 miles thereof, to points in Arkansas, Illinois, Indiana, Missouri, Oklahoma, and West Virginia; (19) from Kenvil, N.J., and points within 15 miles thereof, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee; (20) from McAdory, Ala., and points within 15 miles thereof, to points in Arkansas, Oklahoma, and West Virginia; (c) *classes A, B, and C explosives, and blasting supplies*, (1) between McAdory, Ala., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, and Missouri; (2) between Seneca, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Florida, Georgia, Louisiana, Mississippi, Montana, New Mexico, Tennessee, Texas, and Wyoming, and points in Alabama (except Birmingham and points within 15 miles thereof).

(3) Between Moosic, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina; (4) between Wolf Lake, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, and Wisconsin; (5) from Gibbstown, N.J., and points within 3 miles thereof, to Blair and Columbia, S.C.; (6) from Greenup, Ky., and points within 5 miles thereof, to points in Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and that part of Texas on and east of U.S. Highway 59 extending between Laredo, Tex., and Texarkana, Ark.-Tex., through Victoria, Houston, Lufkin, and Marshall, Tex.; (7) between Energy, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Florida, Louisiana, Mississippi, New Mexico, and Texas; (8) between points in West Virginia within 10 miles of Martinsburg, W. Va. (but not including Martinsburg), on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; (9) between East Alton, Ill., and points within 2 miles thereof, on the one hand, and, on the other, points in Alabama, Illinois, Kansas, Kentucky, Minnesota, Tennessee, Virginia, and West Virginia.

(10) From Grafton, Ill., and points within 2 miles thereof, to points in Alabama, Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Ohio, Tennessee, Virginia, and West Virginia; and (d) *empty containers* for the immediately above-specified commodities, (1) from points in Alabama, Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Ohio, Tennessee, Virginia, and West Virginia, to Grafton, Ill.; (2) between points in Alabama, Illinois, Kansas, Kentucky, Minnesota, Tennessee, Virginia, and West Virginia, on the one hand, and, on the other, East Alton, Ill., and points within 2 miles thereof; (e) *ingredients and component parts*

of the commodities described in the second commodity description next above, and *empty containers* for such commodities; (1) from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to points in West Virginia within 10 miles of Martinsburg (but not including Martinsburg); (f) *classes A, B, and C explosives, ammunition, and blasting supplies,* between the site of the Naval Ammunition Depot at Hingham, Mass., on the one hand, and, on the other, the site of the Naval Ammunition Depot at St. Juliens Creek, Va.

(g) *Classes A and B explosives, ammunition, and blasting supplies,* (1) between Portsmouth, Va., and Macon, Ga., including points within 15 miles of each; (2) between Hingham, Mass., and Macon, Ga., including points within 15 miles of each; (h) *classes A, B, and C explosives, ammunition, and empty containers* for explosives and ammunition, moving on U.S. Government bills of lading, between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, the U.S. Government explosive and ammunition installation at or near Crane, Ind.; (i) *classes A, B, and C explosives, ammunition, nitrocellulose, and empty containers* therefor, moving on U.S. Government bills of lading, between Indian Head, Md., and points within 10 miles thereof, on the one hand, and, on the other, Radford, Va., and points within 15 miles thereof; (j) *classes A, B, and C explosives, ammunition, ingredients and component parts of explosives and ammunition, and empty containers* therefor, moving on U.S. Government bills of lading; (1) between Earle, N.J., and points within 15 miles thereof, on the one hand, and, on the other, Portsmouth, Va., and points within 10 miles thereof; (2) between Portsmouth, Va., and points within 10 miles thereof, on the one hand, and, on the other, the Naval Air Station, Patuxent River, Md., and Indian Head, Md., and points within 10 miles thereof; (3) between Crane, Ind., and points within 15 miles thereof, on the one hand, and, on the other, Pensacola, Jacksonville, and Key West, Fla., Macon, Ga., Charleston, S.C., and points within 15 miles of each, the Naval Air Station, Patuxent River, Md., and Indian Head, Md., and points within 10 miles thereof.

(k) *Classes A, B, and C explosives,* as classified in the Commissions Rules and Regulations Governing the Transportation of Explosives and Other Dangerous Artices; (1) from Grafton, Ill., and points within 15 miles thereof, to points in Georgia, Louisiana, Mississippi, Tennessee, and those in Alabama (except McAdory, Ala., and points within 15 miles thereof); (2) from the Naval Ordnance Depot near Iness, S.C., to Kenvil, N.J., and points within 15 miles of Kenvil; (3) from Port Ewen, N.Y., and points within 15 miles thereof, to Jasonville, Ind., Carthage, Mo., and Baxter Springs, Kans., and points within 15 miles of each; (l) *classes A, B, and C explosives,* as classified in the Commission's Rules and Regulations Governing the Transportation of Explosives and Other Dangerous Articles, *ammunition, ingredients and component parts of explosives and ammunition* not included in classes A, B, and C explosives, and *empty containers* used in the transportation of the commodities specified, (1) between the Naval Ammunition Depot at or near Crane, Ind., and the Naval Ammunition Depot at or near Earle, N.J.; (2) between the Naval Mine Depot at Yorktown, Va., and the Naval Ammunition Depot at or near Crane, Ind.; (3) between the Naval Ammunition Depot at or near Crane, Ind., and the Naval Ammunition Depot at Hingham, Mass.; (4) between the Naval Ammunition Depot at or near Earle, N.J., and the Naval Mine Depot at Yorktown, Va.; (m) *classes A, B, and C explosives,* as classified in the Commission's Rules and Regulations Governing the Transportation of Explosives and Other Dangerous Articles, *ammunition* not included within classes A, B, and C explosives, *component parts of ammunition and explosives, and empty containers* used in transporting the specified commodities, between the site of the Red Stone Arsenal, near Huntsville, Ala., and the site of the Milan Arsenal, near Milan, Tenn., on the one hand, and, on the other, the site of the Jefferson Proving Grounds, near Madison, Ind.

NOTE: Applicant proposes to tack the authority sought with that presently held in MC 76177 Sub Nos. 273, 277, 278, 279, 283, 284, 285, 288, 296, 297, 300, and 308. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 86), filed September 12, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Burlap bags, laminated burlap bags with plastic liners, burlap cloth, and laminated burlap cloth,* from Flemington, N.J., to points in Connecticut, Massachusetts, New Hampshire, Ohio, Pennsylvania, Rhode Island, and Vermont; (2) *paper and plastic bags,* from East Pepperell, Mass., and Nashua, N.H., to Flemington, N.J.; (3) *plastic bags and sheeting,* from Terre Haute, Ind., to Flemington, N.J.; and (4) *synthetic fabric,* from Old Hickory, Tenn., to Flemington, N.J.; and (5) *burlap, cloth, laminated burlap cloth, burlap bags, and laminated burlap bags with plastic liners,* between points in Essex, Hudson, Bergen, Union, Mercer, Middlesex, and Somerset Counties, N.J., having a prior or subsequent movement by rail, under contract with Bemis Co., Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89723 (Sub-No. 52), filed September 9, 1968. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. Applicant's representative: Robert S. Davis (same address as applicant). The instant application seeks authority *solely* to remove Poplar Bluff, Mo., as a key point from applicant's presently held Certificate No. MC 89723 (Sub-No. 15), wherein it is authorized to transport general commodities over regular routes, between various points in Missouri, Kansas, Arkansas, and Louisiana in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. and subject to all other key points and other restrictions contained in Docket No. MC 89723 (Sub-No. 15). No new routes or points are sought to be served.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Poplar Bluff, Mo.

No. MC 97726 (Sub-No. 7), filed September 16, 1968. Applicant: AAA MOTOR LINES, INC., Post Office Box 1328, Dothan, Ala. 36301. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment); (1) between Union Springs, Ala., and the intersection of U.S. Highways 82 and 231 over U.S. Highway 82; (2) between Union Springs and Eufaula, Ala., over U.S. Highways 82 and 431; and (3) between Union Springs and Troy, Ala., over U.S. Highway 29, serving no intermediate points, for operating convenience only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 100623 (Sub-No. 15), filed August 30, 1968. Applicant: HOURLY MESSENGERS, INC., 1710–44 Wood Street, Philadelphia, Pa. 19103. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Parcels and packages* except (1) money; bullion; narcotics (except medical supplies the principal ingredients of which are not a narcotic); securities; evidences of indebtedness; checks, choses in action, and other valuables; valuable papers and documents; and (2) commercial papers, documents; written instruments and business records as are used in the business of banks and banking institutions, no single parcel or package to exceed 50 pounds in weight nor 108 inches in length and girth combined, and the maximum weight for all parcels and packages from a single shipper to a single consignee on any day not to exceed 100 pounds, restricted against transportation from department stores, mail order houses, premium redemption companies, and other retail stores, between

an area in Pennsylvania within the following territory including the boundary line communities as follows: Starting from a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River; thence northwest along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. 13 Bypass); thence northeast along Ridge Avenue to Linwood, Pa.; thence north on Pennsylvania Route 452 to the intersection with U.S. Route 1; thence northeast on U.S. Route 1 to Rosetree; thence northwest on Providence Road through Edgmont and White Horse to Sugartown; thence north on Sugartown Road to intersection with U.S. Route 202; thence east on U.S. Route 202 to intersection with Devon Road and continuing on Devon Road to intersection with Sugartown Road; thence east on Sugartown Road to Strafford; thence west on U.S. Route 30 to intersection with Valley Forge Road; thence north on Valley Forge Road to New Centerville; thence east on U.S. Route 202 (Swedesford Road) to Interstate Route 76 (Schuylkill Expressway).

Thence south on Interstate Route 76 to intersection with U.S. Route 1 (City Line Avenue); thence east from the Schuylkill River along the Philadelphia-Montgomery County border to Stenton Avenue; thence south on Stenton Avenue to intersection with U.S. Route 309 (Bethlehem Pike); thence north on U.S. Route 309 (Bethlehem Pike) through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast on Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border); thence southeast on County Line Road to Newtown Road; thence northeast on Newtown Road to Johnsville; thence southeast on Pennsylvania Route 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northeast on Gravel Hill Road to Churchville; thence southeast on Bristol Road to Buck Road; thence southwest on Buck Road to Pennsylvania Route 213 (Feasterville and Bridgetown Pike); thence northeast on Pennsylvania Route 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktoe; thence northeast on Langhourne-Yardley Road through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 102799, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 102682 (Sub-No. 257), filed September 13, 1968. Applicant: HUGHES TRANSPORTATION, INC., Box 10207, Charleston, S.C. 29411. Applicant's representative: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, Va. 22070. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives,* between Kingsbay, Ga., and St. Marks, Fla. NOTE: Applicant has a motor contract carrier application pending in MC 89340 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga., or Jacksonville, Fla.

No. MC 103993 (Sub-No. 337), filed September 16, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in intial movements, from points in Faulkner County, Ark., to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107002 (Sub-No. 353), filed September 19, 1968. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as applicant), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states it intends to tack the sought authority via El Dorado with presently held authority in certificate No. MC 107002. Applicant also states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 132), filed September 16, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fencing, and fence gates and posts,* when shipped therewith *accessories,* from Escanaba and Powers, Mich., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 757), filed September 16, 1968. Applicant: MATLACK, INC., a corporation, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soda ash,* in bulk, from Nitro, W. Va., to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 628), filed September 10, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic material, liquid, and film on sheeting other than cellulose,* in vehicles equipped with mechanical refrigeration, from Norwalk, Conn., to Marietta, Ga.; Marion and Alexandria, Va.; Orlando, Fla.; Nashville, Tenn.; Cincinnati, Akron, and Columbus, Ohio; Indianapolis, Ind.; Wichita, Kans.; Tulsa, Okla.; St. Louis, Mo.; Lincoln, Nebr.; Fort Worth, Tex.; and Lansing, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107871 (Sub-No. 60), filed September 9, 1968. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from Solvay, N.Y., to points in Ohio and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109637 (Sub-No. 345), filed September 12, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solution,* in bulk, from the plantsite of Freeport Chemical Co., Division of Freeport Sulphur Co., at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50 including East St. Louis, Ill., Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 109637 (Sub-No. 346), filed September 13, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soda ash,* in bulk, from Nitro, W. Va., to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant

requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112822 (Sub-No. 84), filed September 16, 1968. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, in tank vehicles; *fertilizer and fertilizer materials,* liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 112822 (Sub-No. 85), filed September 19, 1968. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Manufactured metal articles, materials, supplies, and equipment* used in the manufacture thereof, between Cushing, Okla., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Denver, Colo.

No. MC 113106 (Sub-No. 30), filed September 16, 1968. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Salt,* in bulk, from Baltimore, Md., to points in New Jersey, Pennsylvania, and Virginia; and (2) *articles* distributed by and used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industry, when shipped in mixed loads with salt and pepper (otherwise authorized), from the plantsite of Morton Salt Co. located at Silver Springs, N.Y., to points in Maryland, Virginia (except points in those parts of Maryland and Virginia south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay), and the District of Columbia. NOTE: Applicant states that it presently holds authority to transport salt and pepper, in packages, in mixed shipments with salt, from and to the points sought by this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113514 (Sub-No. 104) (Correction), filed September 3, 1968, published in the FEDERAL REGISTER issue of September 19, 1968, under No. MC 112514 (Sub-No. 104), corrected and republished as corrected this issue. Applicant: SMITH TRANSIT, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Silica gel catalyst,* in bulk, from Lake Charles, La., to Scottsbluff, Nebr. NOTE: The purpose of this republication is to correctly show the number as MC 113514 (Sub-No. 104), in lieu of MC 112514 (Sub-No. 104), as was erroneously shown in the previous issue. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113828 (Sub-No. 151), filed September 10, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Jackson, Jr., Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Titanium dioxide slurry;* in bulk, from Baltimore, Md., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, Rhode Island, South Carolina, Vermont, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114552 (Sub-No. 36), filed August 30, 1968. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fabricated steel beams, channels, liner plates, steel rods, bolts, and nuts;* (2) *heads (ends) boiler and tank,* from Youngstown, Ohio, to points in Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Youngstown, Ohio, or Washington, D.C.

No. MC 116014 (Sub-No. 43), filed September 12, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Michigan, Ohio, and Wisconsin to Carrollton, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 116063 (Sub-No. 112), filed September 10, 1968. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole, (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 247), filed September 16, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 81), filed September 10, 1968. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solutions,* in bulk, from the plant site of Freeport Chemical Co., division of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50 including East St. Louis; Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it intends to tack the proposed authority with its presently held authority in Sub 5 wherein it conducts operations from Sheffield, Ala., and points within 15 miles thereof to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas (except points in Harris County), and Virginia. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or New Orleans, La.

No. MC 116254 (Sub-No. 82), filed September 12, 1968. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases,* in bulk, in tank vehicles; (1) from Altoona, Decatur, Fayette, Eastboga, Opp, and Tuscaloosa, Ala., to points in Alabama, Mississippi, Tennessee, and Georgia; and, (2) from Columbus, Miss., to points in Mississippi, Alabama, and Tennessee; and, (3) from Pulaski, Tenn., to points in Alabama, Tennessee, Mississippi, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.; Nashville, Tenn.; or Atlanta, Ga.

No. MC 116254 (Sub-No. 83), filed September 13, 1968. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glue and glue stock,* from Winnfield, La., to points in Alabama, Arkansas, Florida, Georgia, Mississipjpi, North Carolina, South Carolina, and Texas. NOTE: Applicant states it intends to tack the proposed authority with its presently held authority in Sub 52. If a hearing is deemed necessary, applicant requests it be held at Shreveport, Baton Rouge, or New Orleans, La.

No. MC 117068 (Sub-No. 7), filed September 12, 1968. Applicant: ALLEN I. KOENIG, doing business as MIDWEST HARVESTORE TRANSPORT COMPANY, 2118 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Farm tractor cabs, parts, and accessories,* from Mankato, Minn., to points in Iowa, Illinois, Indiana, Nebraska, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117416 (Sub-No. 30), filed September 11, 1968. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from points in McMinn County, Tenn. (except points on U.S. Highway 411), to Danville and Kankakee, Ill., those points in Indiana on and south of U.S. Highway 40 (except Columbus, Indianapolis, and Indiana points within the Louisville, Ky., commercial zone) and points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Knoxville, Tenn.

No. MC 117574 (Sub-No. 175), filed September 10, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Antennas, accessories, parts, equipment, materials, and supplies used in the manufacture, transportation, and installation thereof,* between (1) Sherburne and Norwich, N.Y.; and (2) Philadelphia, Pa., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118831 (Sub-No. 58), filed September 11, 1968. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, from points in Robertson County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Birmingham, Ala., or Washington, D.C.

No. MC 119089 (Sub-No. 3), filed September 10, 1968. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 11400 West Burleigh Street, Milwaukee, Wis. 53222. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* between points in Milwaukee County, Wis., on the one hand, and, on the other, points in the Chicago commercial zone, under contract with Wisconsin Cold Storage Co., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 119531 (Sub-No. 93), filed September 6, 1968. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 N. Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* (1) from White Pigeon, Mich., to points in Illinois, Indiana, and Ohio; and (2) from Three Rivers, Mich., to points in Illinois, Indiana, New York, Ohio, Kentucky, Pennsylvania, and West Virginia. NOTE: Applicant states possibility of tacking exists at Circleville, Ohio, to serve points in West Virginia from White Pigeon. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 94), filed September 11, 1968. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 N. Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Scrap or waste paper,* from points in Illinois, Kentucky, New York, Ohio Pennsylvania, West Virginia, and Wisconsin, to Wabash, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119631 (Sub-No. 11), filed September 16, 1968. Applicant: DEIOMA TRUCKING CO., a corporation, Post Office Box 915, Mount Union Station, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1735 K Street NW., 10th Floor, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foods and food products, and materials and supplies* used or useful in the preparation, serving or consumption of foods and food products, including *premiums and advertising materials and special containers or racks* used in the transportation of these commodities, from the plantsite and warehouse facilities of American Sugar Co. in Mantua Township at or near Pitman, N.J., to points in Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 119777 (Sub-No. 116), filed September 3, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, veneer, wire bound boxes, wood chips, mulching material, and pallets,* from Karnak, Ill., to points in the United States (except Hawaii). NOTE: Applicant holds contract carrier authority under docket No. MC 126970 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Paducah, Ky.

No. MC 119934 (Sub-No. 152), filed September 11, 1968. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid,* in bulk, in tank vehicles, from points in Cleveland, Miss., and Union City, Tenn., to points in Indiana, Ohio, and Kentucky. NOTE: Applicant is authorized to operate as a contract carrier under MC 128161, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124251 (Sub-No. 23), filed September 19, 1968. Applicant: JACK JORDAN, INC., Post Office Box 688, Dalton, Ga. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Latex and latex compounds,* in bulk, from points in Gordon County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 124306 (Sub-No. 10), filed September 16, 1968. Applicant: KENAN

TRANSPORT COMPANY, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C. 27705. Applicant's representative: Louis Reznek, 5009 Keokuk Street, Washington, D.C. 20016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, nitric acid, anhydrous ammonia, and nitrogen solutions*, in bulk, in tank motor vehicles, from points in Hertford County, N.C., to points in South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and Georgia. NOTE: Applicant indicates joinder at points in Hertford County, N.C., to serve points in South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and Georgia. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 126045 (Sub-No. 16), filed September 11, 1968. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John W. Lavender (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, in bulk*, in tank vehicles, and *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 126537 (Sub-No. 19), filed September 16, 1968. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Cincinnati Airport, near Erlanger, Ky., and Standiford Field, Louisville, Ky., on the one hand, and, on the other, points in McCracken, Marshall, Livingston, Lyon, Crittenden, Caldwell, Union, Webster, Hopkins, Henderson, Daviess, McLean, Muhlenberg, Hancock, Ohio, Breckinridge, Grayson, Meade, Hardin, and Bullitt Counties, Ky., and Vanderburgh, Warrick, Spencer, Perry, Harrison, and Clark Counties, Ind., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant holds contract carrier authority under MC 129652, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 127705 (Sub-No. 18), filed September 16, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden storage cabinets and accessories thereto*, from Auburn, Nebr., to points in Indiana, Ohio, Kentucky, Michigan, New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Virginia, Maryland, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Pittsburgh, Pa., or Indianapolis, Ind.

No. MC 128273 (Sub-No. 39), filed September 11, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, from Savannah, Ga., and the millsite of Union Camp Corp., in Autauga County, Ala., to points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Indiana, Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128642 (Sub-No. 3), filed September 11, 1968. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, Md. 21224. Applicant's representative: J. Meredith Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, corn syrup, dextrose, and blends thereof*, in bulk, from Baltimore, Md., to points in the District of Columbia, Maryland, and Virginia, and Harland, Hazard, and Pikeville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129150 (Sub-No. 1), filed September 16, 1968. Applicant: CIACCIA TRUCKING, INC., 213 Allen Street, Rochester, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars*, from points in Monroe County, N.Y., to Manheim, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129726 (Sub-No. 2), filed September 16, 1968. Applicant: TRANSPORTERS De CARGA ENSENDA, S.A. de C. V., c/o William Sweet, 2833 Leonis Boulevard, Los Angeles, Calif. 90058. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate or fiber containers*, from points in Los Angeles, Riverside, Orange, and San Bernardino Counties, Calif., to port of entry at or near San Ysidro, Calif., on the international boundary line between the United States and Mexico, under contract with Fabricas Monterrey, S.A. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Diego, Calif.

No. MC 133035 (Sub-No. 5), filed September 16, 1968. Applicant: DILTS TRUCKING INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Cominco American, Inc., at or near Beatrice, Nebr., to points in Kansas, Missouri, Iowa, and Minnesota, restricted (1) to traffic originating at the named plant and destined to the named States; and (2) against the use of pneumatic-type trailer. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133108, filed August 19, 1968. Applicant: LOCUST HARDWARE CO., INC., Post Office Box 265, Locust, N.C. 28097. Applicant's representative: Webster S. Medlin, 407 Cabarrus Bank Building, Concord, N.C. 28025. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Broad River Brick Co., at Gaffney and Blacksburg, S.C., to points in North Carolina and South Carolina, under contract with Broad River Brick Co., Division of Boren Clay Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 133157, filed September 9, 1968. Applicant: JAMES HOAGLAND, doing business as HOAGY WRECKER SERVICE, 5418 South Calhoun Street, Fort Wayne, Ind. 46807. Applicant's representative: Harry J. Harman, 1110 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used motor vehicles*, in secondary movements, by truckaway service, to be used as replacements for wrecked or disabled motor vehicles; (2) *wrecked or disabled motor vehicles;* and (3) *motor vehicle parts, accessories, supplies, and materials*, moving in wrecker equipment for use in connection with repairing and reconditioning of damaged, disabled, or wrecked motor vehicles; (1) between points in Allen County, Ind., on the one hand, and, on the other, points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee; and (2) between points in Tennessee, Kentucky, Wisconsin, Illinois, Michigan, Ohio, and Pennsylvania, on the one hand, and, on the other, points in Allen County, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Wayne or Indianapolis, Ind.

No. MC 133161, filed September 12, 1968. Applicant: GRIESER TRUCKING

CO., INC., Route No. 1, Box 151A, Archbold, Ohio 43502. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (a) *New furniture*, from Archbold, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. (b) *Damaged or rejected shipments* of the above-described commodity, *cartons* used for shipping furniture, *equipment, materials, and supplies* used in the manufacture of furniture, from the above destinations to Archbold, Ohio. (c) Restrictions: The service sought in paragraph (I) herein is subject to the following restrictions: Restricted against the transportation of: (1) Lumber (except plywood and veneer) from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Oklahoma, South Carolina, Tennessee, and Texas, to Archbold, Ohio; and (2) flakeboard from Crossett, Arkansas; Gloster and Louisville, Mississippi to Archbold, Ohio. (II) *Tubular steel scaffolding and accessories, uncarted, boarding ramps,* uncrated, *maintenance stands,* uncrated, and *baggage loading stands,* uncrated, (a) between Archbold, Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (b) between points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Indiana, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant holds authority under permit No. 117076 and subs thereto to perform the above-described service as a contract carrier for Sauder Manufacturing Co., Archbold, Ohio; The Sauder Woodworking Co., Archbold, Ohio; Forecraft, Inc., Archbold, Ohio; and Bill-Jax, Inc., Archbold, Ohio. If the instant authority is granted, the contract permits will be canceled. Applicant is seeking conversion of his contract authority to a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133167, filed September 11, 1968. Applicant: EARL G. ARCHER AND EMMETT M. POWELL, JR., a partnership, doing business as ARCHER & POWELL, Route 1, Lawrenceville, Va. 23868. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust,* from points in Virginia to Roanoke Rapids, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 133173, filed September 16, 1968. Applicant: ARMSTRONG TRANSFER & STORAGE CO., INC., Box 1860, 6500 South Washington, Amarillo, Tex. 79105. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission,* between points within a radius of 150 miles around Randall County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

MOTOR CARRIER OF PASSENGERS

No. MC 48501 (Sub-No. 13), filed September 12, 1968. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 South Michigan Street, South Bend, Ind. 46624. Applicant's representative: Harry J. Harman, 1110 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers;* (1) Between South Bend, Ind., and Benton Harbor, Mich., over combined U.S. Highways 31 and 33, serving all intermediate points; (2) between junction Indiana Highways 421 and 28, and Indianapolis, Ind., from junction Indiana Highways 421 and 28 over Indiana Highway 28 to Frankfort, Ind., thence over Indiana Highway 39 to Lebanon, Ind., thence over old U.S. Highway 52 (also over Interstate Highway 65) to Indianapolis, and return over the same route, serving all intermediate points. NOTE: Applicant states that no duplicating authority in (1) above is sought, and that the authority sought in (2) above will be operated in connection with its presently authorized operations in MC 48501. If a hearing is deemed necessary, applicant requests it be held at South Bend or Indianapolis, Ind.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-339 (Amendment) CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., Freight Forwarder Application, filed February 24, 1967, published in the FEDERAL REGISTER issues of March 9, 1967, and April 6, 1967, amended and republished as amended this issue. Applicant: CTI-CONTAINER TRANSPORT INTERNATIONAL, INC., 17 Battery Place, New York, N.Y. 10004. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, to continue in the transportation (1) *household goods,* as defined by the Commission in 17 M.C.C. 467; (2) *used automobiles;* and, (3) *unaccompanied baggage,* between points in the United States, including Alaska and Hawaii. NOTE: The purpose of this republication is to clearly define the commodity description.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 118127 (Sub-No. 10), filed June 28, 1968. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen poultry products;* and (2) *commodities,* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen poultry products, from Moorefield, W. Va., to points in Oklahoma and Texas.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-11942; Filed, Oct. 2, 1968; 8:45 a.m.]

[Notice 219]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70675. By order of September 24, 1968, the Transfer Board approved the transfer to M-G Trucking Co., a corporation, doing business as M-G Trucking Co., Oklahoma City, Okla., of the operating rights in certificate No. MC-74346 issued October 14, 1949, to Morris Grenard, doing business as M-G Trucking Co., Oklahoma City, Okla., authorizing the transportation of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma, Texas, and Kansas. Robert A. Jackson, Rhodes, Hieronymus, Holloway and Wilson, 2411 First National Building,

Oklahoma City, Okla. 73102; attorney for applicants.

No. MC–FC–70743. By order of September 23, 1968, the Transfer Board approved the transfer to Eastern Bus Lines, Inc., Manchester, Conn., of the operating rights of certificate No. MC–4860 issued June 11, 1952, to Silver Lane Bus Line, Inc., Manchester, Conn., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Hartford and Manchester, Conn., to points in Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania, and return. John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106; attorney for applicants.

No. MC–FC–70779. By order of September 24, 1968, the Transfer Board approved the transfer to J. P. Stevens & Co., Inc., New York, N.Y., of the operating rights in certificate No. MC–125104 (Sub-No. 1) issued September 12, 1963, to United Elastic Corp., Stuart, Va., authorizing the transportation of passengers, over regular routes, between Laurel Fork, Va., and the United Elastic Corp. plant located on North Carolina Highway 1422 approximately 300 yards south of the Virginia-North Carolina State line, serving all intermediate points, and between junction Virginia Highways 103 and 662 and said plant, serving all intermediate points. George D. Thompson, Post Office Box 2021, Greensboro, N.C. 27420; representative for applicants.

No. MC–FC–70782. By order of September 24, 1968, the Transfer Board approved the transfer to E. Perler & Son, Inc., Maspeth, N.Y., of permit in No. MC–108024, issued October 13, 1967, to Julius Perler, doing business as E. Perler & Son, Maspeth, N.Y., authorizing the transportation of: Tin cans, from New York, N.Y., to points in Connecticut, New Jersey, New York, and Pennsylvania within 100 miles of New York, N.Y., and rejected shipments on the return, and, scrap tin, from New York, N.Y., to Carteret, N.J. William D. Trout, 10 East 40th Street, New York, N.Y. 10016; registered practitioner for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12026; Filed, Oct. 2, 1968; 8:49 a.m.]

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FEDERAL REGISTER

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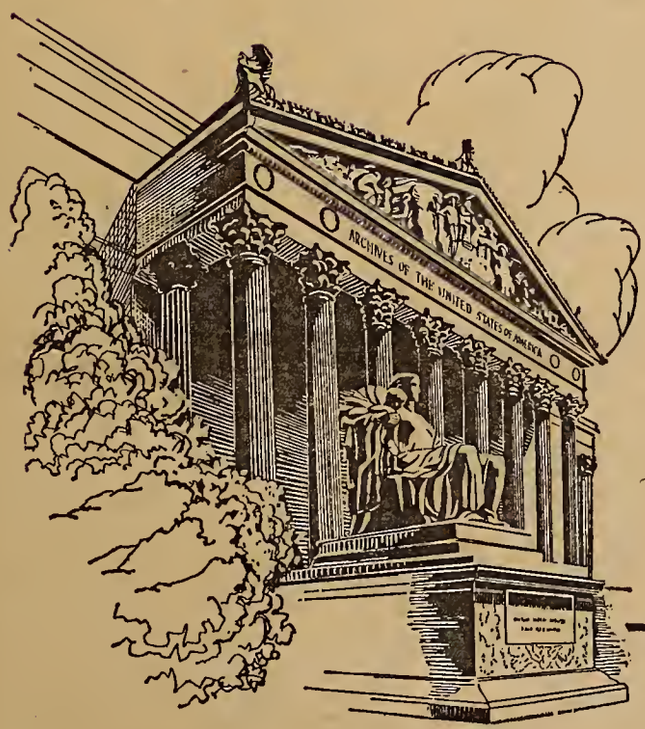
Thursday, October 3, 1968 • Washington, D.C.

PART II

Department of Justice

Bureau of Narcotics and Dangerous Drugs

Narcotic and Dangerous Drug Enforcement Regulations



Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

NARCOTIC AND DANGEROUS DRUG ENFORCEMENT REGULATIONS

On February 6, 1968, President Johnson transmitted to the Congress of the United States of America, *Reorganization Plan No. 1 of 1968*. This plan provided for the transfer of all functions of the Secretary of the Treasury administered through, or with respect to, the Bureau of Narcotics and all functions of the Secretary of Health, Education, and Welfare under the Drug Abuse Control Amendments of 1965 (Public Law 89–74; 79 Stat. 226), except the function of regulating the counterfeiting of those drugs which are not controlled "depressant or stimulant" drugs. This plan became effective on April 8, 1968. Since the functions of the Bureau of Narcotics and the functions of the Bureau of Drug Abuse Control are now combined in the Bureau of Narcotics and Dangerous Drugs under the Department of Justice, it is necessary to amend regulations previously promulgated by the former agencies by changing the titles of those individuals authorized to act to reflect the change in authority provided by the reorganization plan. It is also desirable to combine the regulations previously promulgated by the Secretary of Health, Education, and Welfare for the enforcement of the Drug Abuse Control Amendments of 1965 under Chapter I of Title 21 Code of Federal Regulations, with the regulations of the former Bureau of Narcotics under Chapter II of Title 21.

Accordingly, pursuant to the authority granted by sec. 5, 46 Stat. 587 (21 U.S.C. 165); sec. 8, 46 Stat. 587 (21 U.S.C. 198); sec. 2, 35 Stat. 614, as amended (21 U.S.C. 173); sec. 11, 56 Stat. 1048 (21 U.S.C. 188j); sec. 8, 53 Stat. 1293 (49 U.S.C. 788); section 4731 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4731); sec. 17, 74 Stat. 67 (21 U.S.C. 514); sec. 201, 70 Stat. 572 (18 U.S.C. 1402); the Federal Food, Drug, and Cosmetic Act, sections 201(v), 511, 701, 52 Stat. 1055 as amended, 79 Stat. 227 et seq.; (21 U.S.C. 321(v), 360a, and 371); the transfer of functions of the Secretary of the Treasury and of the Secretary of Health, Education, and Welfare to the Attorney General as provided for by Reorganization Plan No. 1 of 1968 (Presidential Documents, 33 F.R. 5611, Apr. 11, 1968); and the designation and delegation of authority provided by Justice Department Order No. 394–68 (33 F.R. 5580, Apr. 10, 1968), Chapter II of Title 21 is revised as follows:

1. The headnote for Chapter II is revised to read as set forth above.

2. The heading of Part 301 is revised to read "Cooperation with States."

3. Subpart A of Part 301 is hereby revoked.

4. The words "Subpart B—Cooperation with States" are deleted.

5. The sections in former Subpart B are renumbered.

6. Part 301 is amended by adding "and Dangerous Drugs" to "Bureau of Narcotics" and by changing the word "Commissioner" to "Director" each time these words appear in this part.

7. Part 302 is amended by changing "Secretary of the Treasury" to "Attorney General"; "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; "Commissioner" to "Director"; "narcotic agent" to "special agent of the Bureau of Narcotics and Dangerous Drugs"; "Treasury Department" to "Department of Justice"; and by adding "and Dangerous Drugs" to "Bureau of Narcotics"; each time these words appear in Part 302.

8. Section 302.6 is amended by adding the words "or his delegate" after the words "All copies of import permits shall bear the signature of the Director . . ."

9. Section 302.26 is amended by changing "Permanent Central Opium Board" to "International Narcotic Control Board."

10. Section 302.57 is revoked.

11. Part 303 is amended by changing "Secretary of the Treasury" to "Attorney General"; "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; "Commissioner" to "Director"; and by adding "and Dangerous Drugs" to "Bureau of Narcotics" each time these words appear in Part 303.

12. Paragraph (d) of section 303.12 is revoked.

13. Part 304 is hereby revoked.

14. Part 305 is amended by changing "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; and "Commissioner" to "Director" each time these words appear in Part 305.

15. Section 305.1 is amended to give a more accurate definition of the word "opiate".

16. Section 305.2 is amended by changing "by the Commissioner of Narcotics" to "by administrative declaration" each time these words appear.

17. Part 306 is amended by changing "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; and "narcotic district supervisor" to "Regional Director"; each time these words appear in Part 306.

18. Part 306 is amended by revoking sections 306.1 and 306.2.

19. Section 306.3 is revised.

20. Sections 306.3, 306.4, and 306.5 are renumbered as 306.1, 306.2, and 306.3, respectively.

21. Part 307 is amended by changing "Commissioner of Narcotics" to "Director, Bureau of Narcotics and Dangerous Drugs"; "Commissioner" to "Director"; "narcotic district supervisor" to "Regional Director"; and by adding "and Dangerous Drugs" to "Bureau of Narcotics", each time these words appear in Part 307.

22. Section 307.54 is revised.

23. Part 308 is hereby revoked.

24. Section 315.1 is a new section which is identical to 21 CFR 1.1.

25. Section 315.2 is a new section which is identical to 21 CFR 1.6, except the name of the issuing office is changed from "Food and Drug Administration" to "Bureau of Narcotics and Dangerous Drugs".

26. Part 316 is a new part which is similar to 21 CFR Part 2, Subpart F, except it has been reduced in scope to include only public hearings arising under the Drug Abuse Control Amendments of 1965, as administered by the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

27. Part 319 is a new part which is identical to 21 CFR 165.1.

28. Part 320 is a new part which is similar to and supersedes 21 CFR Part 166, except for necessary nomenclature changes.

Chapter II of Title 21, Code of Federal Regulations, now reads as follows:

PART 301—COOPERATION WITH STATES

AUTHORITY: The provisions of this Part 301 issued under sec. 8, 46 Stat. 587; 21 U.S.C. 198.

§ 301.1 State or municipal prosecutions.

The Director of the Bureau of Narcotics and Dangerous Drugs, hereinafter referred to as "Director," may furnish to State or municipal prosecuting officers a report or statement of such information, obtained from time to time by the Bureau of Narcotics and Dangerous Drugs concerning a violation or suspected violation of narcotic laws, as the Director may deem cognizable by the said prosecuting officers for further investigation or prosecution in their respective jurisdictions.

§ 301.2 Attendance of officers.

The Director may direct the attendance of any officer, agent, or employee of the Bureau of Narcotics and Dangerous Drugs who may be in possession of pertinent information, to testify as a witness in any inquiry or proceeding instituted by authority of law by or before a grand jury, municipal magistrate, or State court, where the direct object of such inquiry or proceeding is to determine whether there has been, in a particular case, a violation of the State law or municipal ordinance relating to drugs.

The Director may also direct any such officer, agent, or employee to produce for examination at said inquiry or proceeding such record of the Bureau of Narcotics and Dangerous Drugs or copy of any part thereof as the Director may deem pertinent to the particular case. The officer, agent, or employee so producing any permanent record of said Bureau for examination shall not relinquish custody or control thereof but, immediately upon conclusion of the inquiry or proceeding, shall promptly return the record to its appropriate official repository.

§ 301.3 Hearings before licensing boards or other State agencies having power to suspend or revoke licenses.

The Director may furnish to State licensing boards or other State agencies authorized by law to revoke or suspend licenses to practice a profession, or engage in a trade, in the course of which narcotic drugs are possessed, controlled, or dispensed; or to any State board, officer, or agency authorized by law to grant, suspend, or revoke any license or permit when, in the exercise of said authority, the narcotic drug addiction of the applicant, licentiate, or permittee, or his conviction of a violation of any law relating to narcotic drugs, may have a material bearing upon the granting, withholding, suspension, or revocation of said license or permit, such information in the possession of the Bureau of Narcotics and Dangerous Drugs as the Director may deem appropriate to the enforcement of any State law or regulation or municipal ordinance relating to the granting, withholding, suspension, or revocation of State licenses or permits: *Provided,* That no information shall be furnished with respect to any case in which an offer in compromise has been accepted under authority of section 7122—Internal Revenue Code (26 U.S.C. 7122), unless such case involves the reported narcotic drug addiction of a person who is registered or qualified for registration under 26 U.S.C. 4701–4707, 4731–4735, 4771, 4774, 4721–4726, 4731–4736, or unless the information is requested in a particular case by such State licensing board or State agency or duly qualified representative thereof, for use in the enforcement of any State law or regulation or municipal ordinance relating to the granting, withholding, suspension, or revocation of State licenses. The Director may also direct the attendance, as a witness, in hearings held by such boards or agencies, of any officer, agent, or employee of the Bureau of Narcotics and Dangerous Drugs, and the production of records or copies thereof, subject to the same limitations, so far as applicable, as provided in § 301.2 with respect to an inquiry or proceeding instituted by or before a grand jury, municipal magistrate, or State court.

§ 301.4 General.

(a) Nothing contained in this part shall be construed to authorize the Director to furnish information, or to direct the attendance of any officer, agent, or employee to testify, relative to the possession of or traffic in drugs in any case where the litigants are private parties or where the object of the prospective inquiry, proceeding, or hearing is other that that indicated in §§ 301.1–301.3.

(b) The Director shall exercise sound discretion in executing the authority granted in this part to the end that no investigation being conducted at any time under his direct or indirect supervision shall be prejudiced by the premature disclosure of facts developed by the investigation. The Director shall solicit the cooperation of appropriate State and municipal officers in arranging to execute the authority granted in this part in any given case, so that there shall be a minimum of interference with or interruption to the investigative duties of any officer or agent of the Bureau of Narcotics and Dangerous Drugs or with the duty of such officer or agent to present properly and promptly to Federal prosecuting attorneys, grand juries, and courts such cases as the Director may direct.

PART 302—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

Subpart A—Imports

Subpart B—Exports

Subpart C—In-Transit Shipments

Subpart D—Special Coca Leaves

Subpart E—General

Subpart A—Imports

AUTHORITY: The provisions of this Subpart A issued under sec. 2, 35 Stat. 614, as amended; 21 U.S.C. 173.

§ 302.1 Importation.

Crude opium and coca leaves may only be imported under formal permit issued by the Director, Bureau of Narcotics and Dangerous Drugs (referred to in this part as the Director) pursuant to a duly executed application therefor, and after a determination by said Director that the quantity of crude opium or coca leaves requested in the application is necessary to provide for, and will be applied to, medical and legitimate uses only. An exception to so much of this rule as requires a formal permit may be made in the case of an emergency which, in the judgment of the Director, so affects the welfare of all or a large proportion of the population as to justify such extraordinary action. No permit shall be granted for the importation of opium to be manufactured into heroin, its salts, derivatives, or preparations. No permit shall be granted for the importation of opium unless such opium has been produced in a country permitted such production by, and which has become a Party to, the 1953 Opium Protocol.

CROSS REFERENCE: For importation of narcotic drugs for scientific purposes only see § 307.151 of this chapter.

§ 302.2 Who may import.

In exercising the powers and discharging the duties conferred and imposed upon him by the act with respect to the importation of crude opium and coca leaves, the Director shall take such action as in his opinion will effectuate the intent and purpose of the act; and pursuant to this policy, in determining whether any applicant shall be permitted to import such crude opium and coca leaves, the Director shall consider the character and standing of the applicant, his production facilities and trade

connections, whether there is reasonable probability that he will apply all crude opium and coca leaves imported and narcotic drugs manufactured by him to medical and legitimate purposes, whether he may serve the public interests by lowering costs or improving quality of narcotic drugs by the use of improved methods, or any other factors which the Director deems appropriate to consider in carrying out the policy mentioned. In the case of new applicants the Director shall also consider whether the allotments to them of shares in the amount of crude opium and coca leaves determined by him to be necessary for medical and legitimate uses would probably have the effect of so reducing or rendering uncertain the supply of crude opium and coca leaves available from year to year to manufacturers already engaged in the manufacture of narcotic drugs as to endanger the efficient administration of the Narcotic Drugs Import and Export Act.

§ 302.3 Application for permission to import.

Application for permission to import crude opium or coca leaves shall be made under oath on a form provided by the Department of Justice and forwarded to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. The application shall show, in the spaces provided thereon, the name of the crude material desired to be imported (i. e., crude opium or coca leaves), the number of bales or cases of such crude material, the maximum total pounds of such material, the total tentative allotment to the importer of such crude material for the current calendar year, the total number of pounds of said allotment for which permits have previously been issued, and the total quantity of crude material actually imported during the current year to date. Information under the three subheads last mentioned need only be shown with respect to the particular crude drug for which application for permission to import is being made. The application shall also show the following: The name and address of the consignor, if known at the time application is submitted, but if unknown at that time, the fact should be indicated and the name and address afterwards furnished to the Director as soon as ascertained by the importer; the foreign port of exportation (i. e., the place where the article will begin its journey of exportation to the United States); the port of entry into the United States; the latest date said shipment will leave said foreign port; and the stock on hand of the kind of crude drug desired to be imported under the respective subheads provided. If the application is executed and forwarded before the 15th day of a given month the stock on hand may be shown as of the last day of the penultimate preceding month, but if the application is executed and forwarded on or after the 15th day of a given month the stock on hand must be shown as of the last day of the month immediately preceding.

§ 302.4 Alternative foreign ports.

If desired, alternative foreign ports of exportation within the same country may be indicated upon the application, thus, (a) Calcutta, (b) Bombay. If a formal permit is issued pursuant to such application it will bear the names of the two ports in the order given in the application and will authorize shipment from either port. Alternate ports in different countries will not be authorized in the same permit.

§ 302.5 Import permit.

The import permit shall be prepared in quintuplicate upon a form which has been approved by the Director, but such permit shall not be valid unless signed by the Director.

§ 302.6 Preparation of import permit.

Import permits shall be serially numbered, the five copies of a given permit all to bear the serial number of that permit. Each copy of the permit shall have printed or stamped thereon the disposition to be made thereof. Each permit shall bear a notation to the effect that the Director is satisfied that the consignment proposed to be imported is required for legitimate purposes. Each permit shall also be dated and shall certify that the importer named thereon is thereby permitted under the provisions of the Narcotic Drugs Import and Export Act as amended, to import, through the port named, one shipment of not to exceed the specified quantity of crude opium or coca leaves, as the case may be, shipment to be made from a stated port before a specified date. All copies of import permits shall bear the signature of the Director or his delegate, and facsimiles of signatures shall not be used. All permits issued shall be entered in a register kept by the Director for that purpose. No permit shall be altered or changed by any person after being signed by the Director, and any change or alteration upon the face of any permit, after it shall have been signed by the Director, shall render it void and of no effect. Permits are not transferable.

§ 302.7 Effect of permit.

A permit duly signed and issued shall be authority to import, by the importer named thereon, one shipment only of not to exceed the maximum quantity of crude opium or coca leaves, as the case may be, specified on the permit, from a specified foreign port of export (see §§ 302.3, 302.4), said shipment to be made on or before the date indicated for that purpose upon the permit. This date may, in the discretion of the Director correspond with the date given on the application on the line labeled "Latest date shipment will leave above foreign port," but such date shall not be later than 4 months from the date permit is issued unless, for good cause shown, the Director allows a longer period within which to make the shipment and so specifies on the permit. The maximum quantity of crude opium or coca leaves shall be stated on the permit in terms of pounds.

§ 302.8 Shipments in greater or less amount than that authorized.

(a) If the shipment made under the permit is greater than the maximum amount authorized to be imported under the permit as determined at the weighing by the customs officer, such difference shall be seized and forfeited to the Government.

(b) If the shipment made under the permit is less than the maximum amount authorized to be imported under the permit as determined at the weighing by the customs officer, such difference, when ascertained by the Director shall be recredited to the tentative allotment against which the quantity covered by the permit was charged, and the balance of any such tentative allotment with any such recredits will remain available to the importer to whom made (unless previously revoked in whole or in part) for importations pursuant to such permit or permits as are requested and issued during the remainder of the calendar year to which the allotment is applicable. No permit shall be issued for importation of a quantity of crude opium or coca leaves as a charge against the tentative allotment for a given calendar year, after the close of such calendar year, unless for good cause shown, the Director decides to make an exception in a proper case.

§ 302.9 Cancellation of permit.

A permit may be canceled after being issued, at the request of the importer, provided no shipment has been made thereunder. In the event that a permit is lost, the Director may upon the production by the importer of satisfactory proof, by affidavit or otherwise, issue a duplicate permit. Nothing in this subpart shall affect the right, hereby reserved by the Director, to cancel a permit at any time for proper cause.

§ 302.10 Disposition of copies of permit.

If it is decided to approve an application for permission to import crude opium or coca leaves, an import permit shall be prepared in quintuplicate, each copy of which shall be signed by the Director. The five copies of each permit are designated respectively as original, duplicate, triplicate, quadruplicate, quintuplicate. After being signed these copies shall be distributed and shall serve purposes as follows:

(a) The original copy, together with the quintuplicate copy, shall be transmitted to the importer, who will retain the quintuplicate copy on file as his record of authority for the importation, and he shall transmit the original copy of the permit to the foreign exporter. The foreign exporter will submit the original copy of the permit to the proper governmental authority in the exporting country, if required as a prerequisite to the issuance of an export authorization. This copy of the permit will accompany the shipment. Upon arrival of the imported merchandise the collector of customs at the port of entry will forward the original copy of the permit with the bill of lading to the appraiser for the

port, who, after appraising the merchandise, will return the original copy of the permit to the Director with a report on the reverse side of such original copy, showing the name of the port of importation, date prepared, net quantity and kind, and report of analysis of the merchandise entered.

(b) The duplicate copy shall be forwarded to the proper governmental authorities of the exporting country.

(c) An additional copy shall be forwarded to the collector of customs at the United States port of entry, which shall be the customs port of destination in the case of shipments transported under immediate transportation entries, in order that said collector may compare it with the original copy and the bill of lading upon arrival of the merchandise.

(d) The other copy of the permit shall be retained on file in the office of the Director.

If a discrepancy is noted between corresponding items upon different copies of a permit bearing the same serial number when compared by the United States collector of customs, the officer shall refuse to permit entry of the importation until the facts are communicated to the Director and further instructions are received.

§ 302.12 Examination of shipment by customs officer.

Immediately upon the unlading of crude opium from the importing vessel, the customs officer shall carefully examine the cases or packages, note their condition, seal the packages, and if the port of importation as shown on the permit covering the shipment is the same as the port of first arrival, shall cause the cases or packages to be transported under customs guard and by bonded cartman to the appraiser's stores, where they shall be placed in a separate and specially protected inclosure. If the shipment is destined to a port of entry other than the port of first arrival, it shall be entered for immediate transportation without appraisement, by bonded carrier, to the port of entry to which destined after examination, notation of condition and sealing by the customs officer at the port of first arrival. Upon arrival of the shipment at the port of entry to which destined the customs officer shall observe the same procedure as to examination, notation of condition, and sealing as required at the port of first arrival, shall compare the original copy of the permit accompanying the shipping documents with the copy theretofore furnished to the collector of the port in the manner hereinbefore provided, and shall cause the shipment to be transported under customs guard and by bonded cartman to the appraiser's stores, where it shall be placed in a separate and specially protected inclosure.

CROSS REFERENCES: For transportation in bond and merchandise in transit, see 19 CFR Part 18. For cartage and lighterage regulations, see 19 CFR Part 21.

§ 302.13 Duties of appraiser.

(a) The original copy of the permit, with the bill of lading for the shipment shall be forwarded to the appropriate appraiser, who shall take action thereon as provided in § 302.10.

(b) The appraiser shall cause such arrangements to be made as will insure the safe-keeping of the crude opium while in the appraiser's stores.

(c) No delivery of crude opium to the importer from the appraiser's stores shall be permitted until the collector or his representative and the appraiser or his representative shall be satisfied and so note on the delivery permit, after personal examination, that the importer has taken all proper precautions for the safe transportation of the crude opium from the appraiser's stores to the importer's premises or to the premises of the common carrier if shipment is to be made.

(d) Except as specially provided in the regulations in this part, the procedure in the case of coca leaves shall be the same as in the case of other dutiable merchandise.

CROSS REFERENCE: For Bureau of Customs regulations relating to appraisements, see 19 CFR Part 14.

§ 302.14 Purposes for which crude opium and coca leaves may be entered.

(a) Except as otherwise specifically authorized by the Attorney General and arranged by the Director, crude opium may be entered only for consumption or for transportation in bond between the port of first arrival and the port of entry specified upon the import permit. No entry of either crude opium or coca leaves shall be permitted except upon an import permit duly issued by the Director, and any quantity of crude opium or coca leaves imported or attempted to be imported not in accordance with such permit and the regulations in this part shall be subject to forfeiture under the act.

(b) Coca leaves may be entered either for consumption or warehouse or for transportation in bond between the port of first arrival and the port of entry specified on the permit covering the shipment.

CROSS REFERENCES: For Bureau of Customs regulations covering transportation in bond and merchandise in transit, see 19 CFR Part 18. For Bureau of Customs regulations covering entry for consumption, see 19 CFR 8.27–8.29. For Bureau of Customs regulations covering entry for warehouse, see 19 CFR 8.30–8.32.

§ 302.15 Foreign trade zones.

No narcotic drug as defined in the act of May 26, 1922 (42 Stat. 596; 21 U.S.C. Ch. 6), as amended, shall be permitted to be introduced into a foreign trade zone, established under the act approved June 18, 1934 (48 Stat. 998; 19 U. S. C. 81a–81u), except that such quantities of narcotic drugs as are required for direct emergency medical needs within a zone may be admitted into said zone from customs territory of the United States subject to the requirements of the act of December 17, 1914 (68A Stat. 549; 26 U. S. C. 4701–4707, 4731–4735, 4771–4774, 4721–4726, 4731–4736), as amended, and regulations thereunder. Any narcotic drugs not admissible into a zone as provided in this section, found within a zone shall be seized and disposed of according to law.

CROSS REFERENCE: For regulations under the act of December 17, 1914, as amended, see 26 CFR Part 151.

§ 302.16 Statements rendered by importers.

Whenever required by the Director, importers shall render to him not later than 30 days after receipt of the request therefor a statement under oath of the stocks of narcotic drugs on hand as of the date specified by the Director in his request, and, if desired by the Director, an estimate of the probable requirements for medical and legitimate uses of the importer for any subsequent period that may be designated by the Director. In lieu of any special statement that may be considered necessary, the Director may accept the figures given upon the monthly return or returns submitted by said importer under the act of December 17, 1914, as amended, and regulations thereunder.

Subpart B—Exports

AUTHORITY: The provisions of this Subpart B issued under 38 Stat. 275, as amended; 21 U.S.C. 182.

§ 302.17 Exportation.

(a) Except as otherwise provided in paragraph (b) of this section, no person shall in any manner export from or take out of the United States, or cause to be exported or taken out of the United States any narcotic drug, nor shall any carrier receive for exportation, or export, or carry out of the United States any narcotic drug, unless and until a permit, in due form to export the narcotic drug in each instance shall have been issued by the Director.

(b) A pharmaceutical preparation, containing a narcotic drug, conforming to the standards set forth in 26 CFR 151.422 as a Class "M" product may be exported or taken out of the United States without compliance with requirements set forth in §§ 302.17–302.27.

§ 302.18 Application for export permit.

A separate permit must be obtained for each consignment of narcotic drugs to be exported. Application for permission to export narcotic drugs shall be made under oath on an approved form provided by the Department of Justice for the purpose, and such application shall be transmitted to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Each application shall show the date of execution, the exporter's internal-revenue registry number, and shall show in the space provided the name and detailed description of the narcotic drug or preparation desired to be exported, the net quantity thereof, the number and size of packages or containers, the name and quantity of the narcotic drug contained in any preparation being stated and the quantity of any solids being given in grams. The application shall contain a printed

statement to the effect that the application is made for permission to export the narcotics listed therein, pursuant to the provisions of the Narcotic Drugs Import and Export Act, as amended, and the regulations thereunder. The application shall include the name, address, and business of the consignee, the foreign port of entry, the port of exportation, the approximate date of exportation, the name of the exporting carrier or vessel (if known, or if unknown it should be stated whether shipment will be made by express, freight, or otherwise, exports of narcotic drugs by mail being prohibited), the date and number, if any, of the supporting foreign import license or permit accompanying the application, and the authority by whom such foreign license or permit was issued. The application shall also contain an averment that the packages are marked according to the regulations, and to the best of affiant's knowledge and belief the narcotics therein are to be applied exclusively to medical and legitimate uses within the country to which exported, will not be reexported therefrom, and are needed therein because there is an actual shortage thereof and a demand therefor for medical and legitimate uses within such country. The application shall be signed by the exporter, or by his duly appointed agent whose title shall be given in the space provided therefor, and shall contain the address from which the drugs will be shipped for exportation.

§ 302.19 Foreign import license or permit to be submitted.

There shall also be submitted with the application any import license or permit (and a translation thereof if in a foreign language) or a certified copy of any such license or permit issued by competent authorities in the country of destination, or other documentary evidence deemed adequate by the Director, showing that the merchandise is consigned to an authorized permittee, that it is to be applied exclusively to medical and scientific uses within the country of destination, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the merchandise for medical and scientific uses within such country. Verification by an American consular officer of signatures on foreign import licenses will be necessary if such licenses do not bear the seal of the officer signing them.

§ 302.20 Additional information.

If after careful consideration of the application it is found that approval cannot be given, such fact and the reasons therefor will be communicated to the applicant by the Director. If additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective exporter by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

§ 302.21 Disposition of copies of export permit.

If, from the facts presented in the application, the Director finds it is proper to permit the requested exportation, an export permit shall be prepared in sextuple in the office of the Director. Each of the six copies of the export permit shall be marked as to disposition and shall be distributed and serve purposes as follows:

(a) The original copy, together with the duplicate and triplicate copies, shall be transmitted to the exporter who will retain the triplicate copy on file as his record of authority for the exportation. The exporter shall present to the customs authorities, at the port of export, except when the shipment is to proceed from an interior port, and then at such interior port, at the time of shipment, the original and duplicate copies. The shipper's export declaration shall be presented to the customs authorities at the port of exportation from the United States. After customs endorsement of export in the space provided on the reverse side of the export permit, the collector of customs shall forward the endorsed original copy of the export permit with the shipment, and return the endorsed duplicate copy to the office of the Director.

(b) The quadruplicate copy of the export permit shall be forwarded to the collector of customs at the port of export for comparison with the original and to be retained for the customs record.

(c) The quintuplicate copy of the export permit shall be sent to the officer in the country of destination who issued the import certificate, or other documentary evidence upon which the export permit is founded.

(d) The sextuple copy of the export permit shall be retained on file in the office of the Director.

§ 302.22 Shipment from interior port.

In the event the consignment shall proceed from an interior port, the collector of customs at the interior port, after endorsing the original and duplicate copies of the export permit, shall forward the original copy with the shipment and shall transmit the duplicate copy of the export permit to the collector of customs at the port of lading on the export vessel or conveyance, and the latter collector of customs, after endorsing the duplicate copy, shall transmit it to the office of the Director.

§ 302.23 Special conditions relative to export permits.

Each export permit shall be serially numbered, and shall be predicated upon a separate import certificate or other documentary evidence, and not more than one shipment shall be made thereon. All export permits shall be entered in a register kept for that purpose in the office of the Director. Export permits are not transferable.

§ 302.24 Expiration date.

An export permit shall not be valid after the date specified therein, which date shall conform to the expiration date specified in the supporting import certificate or other documentary evidence upon which the export permit is founded, but in no event shall the date be subsequent to three months after the date the permit is issued. Any unused export permit shall be returned by the permittee to the office of the Director for cancellation.

§ 302.25 Who may export.

No export permit will be issued unless and until the applicant shall be duly registered or qualified as an exempt official in accordance with the act of December 17, 1914, as amended, and the regulations thereunder.

CROSS REFERENCE: For regulations under the act of December 17, 1914, as amended, see 26 CFR Part 151.

§ 302.26 Exportation to countries which have exceeded estimate.

No export permit shall be issued for the exportation of any narcotic drug to any country when the Director has information to show that the estimates submitted with respect to that country for the current period, under the Narcotics Limitation Convention of 1931 have been, or, considering the quantity proposed to be imported, will be exceeded. If it shall appear, through subsequent advice received from the International Narcotic Control Board that the estimates of the country of destination have been adjusted to permit further importation of the narcotic drug, an export permit may then be issued if otherwise permissible.

§ 302.27 Records required of exporter.

The exporter shall keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such a manner as will identify the foreign consignee.

Subpart C—In-Transit Shipments

§ 302.28 In-transit shipments.

(a) Each in-transit shipment under section 2 of the act (42 Stat. 597; 21 U.S.C. 180) will be considered by the Director on its individual merits, but in general the regulations governing exports (§§ 302.17–302.27) will be applied so far as practicable.

(b) Articles in transit manifested merely as drugs, medicines, or chemicals, without evidence to satisfy the collector of customs that they are nonnarcotic, shall be detained and subjected at the carrier's risk and expense to such examination as may be necessary to satisfy the collector whether they are of a narcotic character. With a view to avoiding such inconvenience, the carrier should not accept in-transit shipments of such articles unless accompanied by properly verified certificates of the shippers, specifying the items in the shipment and stating whether narcotic or not.

(38 Stat. 275, as amended; 21 U. S. C. 182)

Subpart D—Special Coca Leaves

AUTHORITY: The provisions of this Subpart D issued under sec. 6, 46 Stat. 587; 21 U.S.C. 173a.

§ 302.29 Importation of special coca leaves.

Additional amounts of coca leaves (thereinafter designated as special coca leaves) may be imported only under formal permit issued pursuant to § 302.33, by persons authorized to import in accordance with the regulations in this part. Applications for such authority shall be made in writing to the Director and shall include an estimate of the quantity of leaves required by the applicant for the calendar year to which the application relates.

§ 302.30 Information required of prospective importer.

The Director shall take such action on any application as in his opinion will effectuate the intent and purpose of section 6 of the act of June 14, 1930 (46 Stat. 587; 21 U.S.C. 173a), and of the regulations in this part. No authority to import will be granted unless and until the applicant shall have furnished proof satisfactory to the Director.

(a) That, if an individual, he, or if a partnership, each member thereof, or if an association or corporation, the manager, each officer and director, and each member of any board of control, is of good character and standing;

(b) That the applicant is able, by means of a definite process and formula demonstrated to the satisfaction of the Director, to manufacture an extract of coca leaves containing no cocaine, ecgonine, or any salt, derivative, or preparation from which cocaine or or ecgonine may be synthesized or made;

(c) That the applicant has the financial standing and responsibility to undertake such manufacturing operation with reasonable likelihood of successful compliance with the intent and purpose of section 6 of the act of June 14, 1930, and of the regulations in this part; and

(d) Of any other matter or thing which the Director deems appropriate to consider.

§ 302.31 Matters to be considered in granting permit.

(a) The applicant shall also furnish proof satisfactory to the Director that the estimated quantity of special coca leaves required by the applicant for the calendar year to which the application relates is reasonable under all the circumstances, taking into consideration, among other things, the applicant's trade connections, production facilities, and financial capacity to perform the indicated manufacturing operation with such estimated quantity of leaves.

(b) The applicant shall agree to comply with the provisions of section 6 of the act of June 14, 1930, and of the regulations in this part, and the provisions of the act of December 17, 1914, as amended, and to destroy, as hereinafter provided, under the supervision of an authorized representative of the Director, all cocaine, ecgonine, and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, contained in and/or produced directly or indirectly from special coca leaves.

(c) The Director, in the determination of his action with respect to any application, may accept the proof furnished in connection with an application relating to a prior year, and may take into consideration any other matter or thing known to him or discovered by investigation which he may deem appropriate to consider in effectuating the intent and purpose of the act of June 14, 1930, and of the regulations in Part 301 of this chapter. In no event will authority to import be granted unless the Director is satisfied that the application is made in good faith and not for the purpose of evading the law.

§ 302.32 Approval or disapproval of application.

The Director shall advise the applicant of his approval or disapproval of the application, and, in the event of approval, of the tentative maximum quantity of special coca leaves allowed the applicant for importation covering the requirements (as determined by the Director) of the applicant for the calendar year to which the application relates. Such tentative maximum allowances may be increased or decreased in the discretion of the Director, either on his own motion or on application supported by proof satisfactory to the Director of the necessity therefor. No permit or permits will be issued allowing the applicant, in supplying such requirements, to import, as a charge against such tentative maximum allowance, a total quantity of special coca leaves in excess of such allowance, except as such allowance shall be increased or decreased in accordance with this section.

§ 302.33 Application for permit to import.

A separate permit must be obtained for each shipment of special coca leaves imported by the applicant. Application for such permit or permits shall be made by the applicant on an approved form under oath. Such application shall show, in spaces provided thereon, the quantity in pounds of special coca leaves desired to be imported in the shipment and the number of bales or containers thereof; the tentative maximum quantity of special coca leaves allowed the applicant for the calendar year to which the application for permit relates, the total number of pounds of such tentative maximum quantity for which permits have previously been issued, and the total quantity of leaves actually imported thereunder; and the stock on hand of special coca leaves as such and the quantity of special coca leaves represented by finished stock or extract of coca leaves. The figures for stock on hand shall be given as of a date ascertained in the manner provided for in § 302.3. The application shall also show the name and address of the consignor, if known at the time the application is submitted; if unknown, the application shall so state, and the name and address shall be furnished to the Director as soon as ascertained by the importer; the foreign port of exportation (i. e., the place where the article will begin its journey of exportation to the United States); the port of entry into the United States; and the latest date the shipment will leave the foreign port. The provisions of § 302.4 are hereby made applicable to importations of special coca leaves.

§ 302.34 Registration of importer.

No permit or permits will be issued unless and until the applicant shall be duly registered in accordance with the act of December 17, 1914, as amended, and regulations thereunder, and shall have paid the special tax, have rendered the returns and reports, and have kept the records now or hereafter required by such act and regulations.

CROSS REFERENCE: For regulations under the act of December 17, 1914, as amended, see 26 CFR Part 151.

§ 302.35 Allotment for calendar year not importable in succeeding year.

No application for a permit or permits to import received by the Director after the expiration of the calendar year to which any authorized maximum allowance relates will be approved as a charge against such allowance.

§ 302.36 Issuance of permits.

Permits to import shall be issued in the form, and importations thereunder shall be made in the manner provided by the regulations in this part. Section 302.8 shall govern the procedure in the case of any shipment of a less or greater quantity of special coca leaves than the quantity authorized by the permit covering such shipment, and § 302.9 shall govern the procedure with respect to the cancellation, at the request of the importer, of permits to import special coca leaves.

§ 302.37 Withdrawal from customs custody.

Special coca leaves, upon withdrawal from customs custody, shall be removed to the place of manufacture and safely stored in a storeroom adequately protected against theft and against entry by any persons other than the importing manufacturer and his duly authorized agents and employees, or the Director and his duly authorized representative (herein referred to as the Director's representative). No special coca leaves shall be withdrawn or removed from said place of storage except in the presence of the Director's representative. The importer shall identify each bale or other unit package of special coca leaves after its importation by attaching thereto a label or tag bearing the number of the permit authorizing the importation, the date withdrawn from customs custody, the inscription "Special Coca Leaves," and an individual serial number. Such bales or packages shall be kept apart from any bales or packages not containing special coca leaves. No special coca leaves shall be used for any purpose other than the purpose authorized by the act of June 14, 1930, and the regulations in Part 301 of this chapter.

§ 302.38 Manufacturing operation.

(a) The manufacturer shall notify the Director, at least 10 days in advance, of the commencement of the manufacturing operation with respect to special coca leaves, which operation shall thereafter be conducted to completion entirely separately and independently of any operation not involving special coca leaves. Nothing contained in this part, however, shall be construed to prohibit the manufacture from coca leaves, other than special coca leaves, of any extract permitted by law. The manufacturing operation involving special coca leaves shall be as continuous, and completed as expeditiously, as possible, and shall be under the observation of the Director's representative.

(b) Immediately prior to the introduction into the manufacturing process of any given quantity of special coca leaves, the manufacturer or his agent duly authorized for the purpose shall, when requested by the Director or his representative, furnish therefrom to the Director's representative such a sample (selected in the presence of the representative) as the latter may require, together with a memorandum dated and signed by the manufacturer or his said agent showing the quantity of special coca leaves from which such sample was taken and the number, and identifying marks (see § 302.37) of the original bales or unit packages of such leaves. The Director's representative shall forward the sample and the memorandum to the Director, or to such chemical laboratory as the Director may designate. A similar sample shall be taken at the same time by the manufacturer or his agent for the purpose of analysis.

§ 302.39 Residue.

At that point in the manufacturing process where the initial extract of special coca leaves undergoes a primary separation into two products, one containing principally flavoring extract and the other principally cocaine, ecgonine, and their salts and derivatives, the manufacturer or his duly authorized agent shall, in the presence of the Director's representative, segregate the latter product, remove its content of recoverable alcohol, and ascertain the weight of the residue, and shall sign and deliver to the representative a dated memorandum showing such weight, the quantity of special coca leaves represented by such residue, and the number, and identifying marks, of the original bales or unit packages of such leaves. The Director's representative shall forward such memorandum to the Director or to such chemical laboratory as the Director may designate, together with a sample of such residue, and the manufacturer shall take a similar sample for the purpose of analysis. The residue, after the taking of such samples, shall be immediately destroyed by the manufacturer, by incineration, in the presence of the Director's representative. The same procedure shall be followed, in so far as the weighing, taking of samples, and forwarding of memoranda are concerned, with respect to the other product of the aforementioned primary separation; the residue, however, after the taking of samples, shall be continued in process. The representative may also take and forward samples of recovered alcohol.

§ 302.40 Samples.

(a) At any other stage in the process where substances containing cocaine, ecgonine, or salts, derivatives, or preparations from which cocaine or ecgonine may be synthesized or made, are separated from other substances, the procedure hereinabove set forth shall be followed, including the forwarding of samples and memoranda, relative thereto, the taking of similar samples for the purpose of analysis by the manufacturer, and the destruction, after the taking of such samples, of substances required to be destroyed. The manufacturer or his agent shall also furnish the Director's representative a sample of finished extract as it is withdrawn from process supposedly free from cocaine, ecgonine, and salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, together with a memorandum dated and signed by the manufacturer or such agent showing the quantity of finished extract, the quantity of special coca leaves represented by such finished extract, and the number, and identifying marks, of the original bales or unit packages of such leaves. The memorandum relative to each quantity of finished extract withdrawn from process shall include a certificate by the manufacturer that the quantity of finished extract of special coca leaves so withdrawn does not contain any cocaine, ecgonine, or any salt, derivative, or preparation from which cocaine or ecgonine may be synthesized or made. The manufacturer or his agent shall also furnish the Director's representative a sample of the spent or used special coca leaves from each factory run, and a memorandum dated and signed by the manufacturer or his agent showing the quantity of special coca leaves represented by such spent leaves, and the number, and identifying marks of the original bales or unit packages of such special coca leaves. The Director's representative shall forward such samples and memoranda to the Director or to such chemical laboratory as the Director may designate. Similar samples of finished extract and of spent or used special coca leaves shall be taken by the manufacturer for the purpose of analysis. The spent leaves, after taking of such samples, shall be immediately destroyed by the manufacturer by incineration, in the presence of the Director's representative.

(b) The Director's representative shall have authority under the direction of the Director, to select and forward to the Director such other samples of special coca leaves and the products thereof as are deemed appropriate, whether or not such samples are otherwise required by the regulations in this part.

§ 302.41 Director's representative to have access to factory.

(a) The Director's representative shall have access at all times to the factory, storage rooms, and laboratories where any operation, process, or analysis involving special coca leaves, their salts, derivatives, preparations, products, or extracts is taking place, or where any such special coca leaves, their salts, derivatives, preparations, products, or extracts are situated or found.

(b) The Director's representative shall be afforded a full measure of cooperation in the performance of his duties in order that the intent and purpose of the act of June 14, 1930, may be accomplished. Failure on the part of any importing manufacturer or his agent or employee to afford such cooperation to the Director's representative, or to permit the access authorized by the preceding paragraph to the factories, storage rooms, or laboratories of such manufacturer, shall be grounds for canceling, pursuant to § 302.44, both the authority to import under the regulations in this part and the permits granted thereunder.

§302.42 Reports to Director.

The manufacturer shall make such additional reports to the Director, and shall furnish to him by written statement such analytical data relative to the alkaloidal content, at any stage in the process, of special coca leaves or any product therefrom and such further information regarding analytical methods, as the Director may deem necessary.

§ 302.43 Discontinuance of business.

In the event that any person by reason of bankruptcy, insolvency, receivership, or voluntary or involuntary abandonment or discontinuance (other than mere suspension) of the business of manufacturing an authorized extract of coca leaves, or by reason of any other cause or condition (for example, see § 302.44 and § 302.41(b)), is unable in accordance with the act of June 14, 1930, and of the regulations in this part, to make use of any special coca leaves or of any of the products thereof the destruction of which is not otherwise provided for by the regulations in this part, such special coca leaves and such products shall be seized by the Director and destroyed by incineration; *Provided, however,* That after seizure and before destruction the manufacturer shall be given notice of the proposed destruction and the reasons therefor, and a reasonable opportunity to appear and show cause why such destruction should not be accomplished.

§ 302.44 Cancellation of permit.

The Director may withdraw any authorization and may cancel any permit previously granted to any manufacturer, if such manufacturer, by reason of bad faith, carelessness, incompetency, the causes for seizures specified in § 302.43 or any other cause, fails to comply with the regulations in this part, or by any act or omission fails to observe the intent or purpose of the act of June 14, 1930,

Provided, however, That the manufacturer shall be given notice of the Director's proposed action in that regard and the reasons therefor, and a reasonable opportunity to appear and show cause why such action should not be taken.

§ 302.45 Compliance with act of December 17, 1914, as amended.

Nothing contained in the regulations in this part shall be construed to exempt any manufacturer from compliance with the act of December 17, 1914, as amended, and regulations thereunder.

CROSS REFERENCE: For regulations under the act of December 17, 1914, as amended, see 26 CFR Part 151.

§ 302.46 Returns required.

Every manufacturer using special coca leaves imported into the United States pursuant to the act of June 14, 1930, shall render a quarterly return on Form 169 and its supplements, and shall thereon account for all transactions involving such leaves or substances derived therefrom which contain cocaine or ecgonine, or any salts, derivatives, or preparations from which cocaine or ecgonine may be synthesized or made. This return shall be signed and sworn to by the manufacturer or his authorized agent, and rendered direct to the Director, Bureau of Narcotics and Dangerous Drugs on or before the 12th day of the month following the period for which the return is made. Such return shall include a report of all importations of special coca leaves on Form 169a, a report of all materials entered into the processes of manufacture on Form 169b, a report of the various substances produced therefrom on Forms 169c, 169d, and 169e, a report of all such substances destroyed on Form 169f, and a summary of operations on Form 169g.

§ 302.47 Report of importations.

The report of importations on Form 169a shall show in appropriate columns the following data as to each importation:

(a) The date of the import permit.

(b) The serial number of the import permit.

(c) The name of the foreign consignor.

(d) The address of the foreign consignor.

(e) The foreign port of export.

(f) The number of bales imported.

(g) The serial numbers of the bales imported.

(h) The quantity imported in avoirdupois pounds.

§ 302.48 Report of materials used.

The report of materials entered into the processes of manufacture on Form 169b shall show in appropriate columns the following information as to each lot of leaves dumped:

(a) The lot number or specification, a specification to be assigned to each dump for identification purposes in order to avoid repeating the serial numbers of the bales when the lot is subsequently referred to.

(b) The date the leaves were put in process of manufacture.

(c) The number of bales dumped.

(d) The serial numbers of the bales.

(e) The quantity of leaves put in process, stated in avoirdupois pounds.

(f) The quantity of alcohol used for each extraction or wash of the leaves, by alcohol.

(g) The quantity of water used for each water extraction or dilution.

(h) The quantity of any other or additional substance introduced at any stage into the process of manufacture.

(i) The dry weight of any filter cloth or other absorbent material to be later removed from process after saturation.

§ 302.49 Reports of manufacture.

The reports of substances produced from special coca leaves, Forms 169c, 169d, and 169e, shall show, in appropriate columns the following information as to each production lot or dump:

(a) The lot number.

(b) The quantity of ground leaves entered into process, in terms of avoirdupois ounces and the quantity, in ounces and grains, of alkaloid contained therein as determined by analysis.

(c) The quantity of substance in process after each distinct step in the manufacturing process and the total alkaloid contained in each, stated in ounces and grains.

(d) The quantity of exhausted or spent leaves and the quantity of each residue removed from process, and the total alkaloid contained in each, stated in ounces and grains.

(e) The weight of the used filter cloth or other absorbent material removed, after saturation.

(f) The quantity, in gallons, of finished extract produced.

§ 302.50 Report of residues destroyed.

The report of residues destroyed, Form 169f, shall show for each lot destroyed, in appropriate columns the following data:

(a) The lot number.

(b) The quantity of spent leaves, residues, and saturated materials destroyed, stated separately for each.

(c) The name of the Government officer witnessing the destruction.

§ 302.51 Summary.

(a) The summary, Form 169g, shall include a complete accounting for all transactions in raw leaves, leaves in process, and residues removed from production processes. The summary of raw coca leaves shall show:

(1) The quantity of special coca leaves on hand at the beginning of the quarter.

(2) The quantity of special coca leaves imported during the quarter.

(3) The quantity of special coca leaves put into process of manufacture during the quarter.

(4) The quantity of special coca leaves on hand at the end of the quarter.

(5) Any other transaction during the quarter which increased or decreased the quantity of raw coca leaves on hand.

(b) The summary of coca leaves in process shall show:

(1) The quantity of special coca leaves in process at the beginning of the quarter.

(2) The quantity of such leaves placed in process during the quarter.

(3) The quantity of such leaves represented by lots completed during the quarter.

(4) The quantity of such leaves represented by lots in process at the end of the quarter.

(5) Any other transaction during the quarter which increased or decreased the quantity of leaves in process.

(c) The summary of residues removed from production in processes shall show, in appropriate columns, separately as to spent leaves, each residue and saturated material, the following information:

(1) The quantity of each, on hand at the beginning of the quarter, awaiting destruction.

(2) The quantity of each removed from process during the quarter.

(3) The quantity of each destroyed during the quarter.

(4) The quantity of each on hand at the end of the quarter.

(5) Any other transaction during the quarter affecting the quantity of such residues on hand.

Subpart E—General

AUTHORITY: The provisions of this Subpart E issued under 38 Stat. 275, as amended; 21 U.S.C. 182.

§ 302.52 Importation or exportation by mail prohibited.

Neither importation nor exportation of narcotic drugs shall be made by means of the regular mails or by parcel post.

§ 302.53 Medical stores on vessels.

Collectors of customs may permit narcotic drugs in reasonable quantities and properly listed as medical stores of vessels to remain on such vessels if satisfied that such drugs are adequately safeguarded and used only for medical purposes. Smoking opium or opium prepared for smoking shall be seized, however, whenever and wherever found within the jurisdiction of the United States.

CROSS REFERENCE: For allowance of narcotic drugs in medical stores, see 19 CFR 4.39 (e), 23.9 (h).

§ 302.54 Drugs seized to be delivered to collector of customs.

All narcotic drugs seized under the Narcotic Drugs Import and Export Act, as amended, by any Federal officer, other than a customs officer, shall be immediately delivered into the custody of the collector of customs in whose district the seizure was made, with a full report of the circumstances of the seizure, provided that where the seizure is made by a special agent of the Bureau of Narcotics and Dangerous Drugs in connection with an investigation which such agent considers may result in criminal prosecution under any Federal narcotic law, the drugs so seized shall not be delivered into the custody of the collector of customs, but custody of such drugs shall be retained by the appropriate officer of the Bureau of Narcotics and Dangerous Drugs until it is determined that same will not, or will no longer, be

required as evidence, whereupon disposition thereof shall be made as provided by law.

CROSS REFERENCE: For customs regulations concerning seizure of narcotic drugs, see 19 CFR 18.21 (b), 23.9.

§ 302.55 Forwarding drugs to Drugs Disposal Committee.

All narcotic drugs which have been forfeited to the Government, and are no longer required for purposes of evidence, shall immediately be forwarded to the Director, Bureau of Narcotics and Dangerous Drugs (Drugs Disposal Committee), for proper disposition.

§ 302.56 Disposition of forfeited drugs.

Narcotic drugs forfeited to the United States under the provisions of law may be delivered to any department, bureau, or other agency of the U.S. Government upon proper application addressed to the Director, Bureau of Narcotics and Dangerous Drugs. The application shall show the name, address, and official title, bureau, or agency, and department, of the person to whom the narcotic drugs are to be delivered, the kind and quantity of narcotics desired, and the purpose for which intended. The delivery of such narcotic drugs shall be ordered by the Director, Bureau of Narcotics and Dangerous Drugs, if in his opinion, there exists a medical or scientific need therefor. The order will be filled by the Drugs Disposal Committee which will obtain a receipt for narcotic drugs delivered.

§ 302.58 Permits issued prior to effective date of regulations.

Permits to import or export narcotic drugs which shall have been issued by the Director prior to the effective date of the regulations in this part shall continue in force and effect under the laws and regulations in effect when such authorizations were issued, unless specifically revoked by the Director.

§ 302.59 Regulations subject to provisions of other pertinent laws and regulations.

The regulations in this part shall be subject to the provisions of the customs, internal-revenue, and other pertinent laws of the United States and regulations promulgated thereunder.

CROSS REFERENCES: For regulations of the Bureau of Customs, see 19 CFR Chapter I. For regulations of the Bureau of Internal Revenue, see 26 CFR Chapter I.

PART 303—OPIUM POPPIES

Sec.

AUTHORITY: The provisions of this Part 303 issued under sec. 11, 56 Stat. 1048; 21 U.S.C. 188j.

§ 303.1 Definitions.

As used in the regulations in this part:

(a) The term "person" includes a partnership, company, association, or corporation, as well as a natural person or persons.

(b) The terms "produce" or "production" include the planting, cultivation, growth, harvesting, and any other activity which facilitates the growth of the opium poppy.

(c) The term "opium poppy" includes the plant Papaver somniferum, any other plant which is the source of opium or opium products, and any part of any such plant.

(d) The term "opium" includes the inspissated juice of the opium poppy, in crude or refined form.

(e) The term "opium products" includes opium and all substances obtainable from opium or the opium poppy, except the seed thereof.

(f) The term "license" means a license to produce the opium poppy or to manufacture opium or opium products, duly issued by the Director.

(g) The term "Director" means the Director, Bureau of Narcotics and Dangerous Drugs.

(h) The term "act" means the Opium Poppy Control Act of 1942.

§ 303.2 Policy.

It shall be the policy of the Director to administer and enforce the provisions of the act in such manner as will carry out the obligations of the United States under the treaties and conventions mentioned therein. The Director shall not issue licenses to produce the opium poppy unless such production is essential to supply narcotic drugs for the medical and scientific needs of the United States. If such production becomes necessary, the Director shall exercise sound discretion in the issuance of licenses to the end that there shall be no opportunity for the spread of drug addiction.

§ 303.3 Production.

No person who is not the holder of a license shall produce the opium poppy. Licenses shall be issued only for the production of the opium poppy to supply the medical and scientific needs of the United States for narcotic drugs. No licenses shall be issued for the production of the opium poppy solely for poppy seed.

§ 303.4 Application for license to produce.

Any person who desires to produce the opium poppy to supply medical and scientific needs of the United States for narcotics drugs shall file an application, in duplicate, for a license with the Director at Washington, D.C. The application shall show the name and address of the applicant, the quantity, in pounds, of opium poppies desired to be produced, the acreage and exact location of the land desired to be devoted to opium poppy production, the type of soil desired to be devoted to opium poppy production, whether such applicant owns, rents, or leases such land and the type of equipment owned by the applicant to be used in cultivating and harvesting opium poppies. The applicant shall also submit proof that he is of good moral character, that his financial standing and farming experience are such as will reasonably insure that he can produce the acreage of opium poppies called for in the application, that there is or will be, at the time of harvesting, a market for the opium poppies desired to be produced and that the land to be devoted to opium poppy production is readily accessible to law enforcement officers at all times.

§ 303.5 Issuance of license to produce.

(a) The Director shall issue a license to produce the opium poppy only when, in his opinion, the medical and scientific needs of the United States for narcotic drugs cannot be met by the importation of crude opium. A license to produce the opium poppy shall be issued only to a person whom the Director finds (1) to be of good moral character; (2) to be of suitable financial standing and farming experience to render reasonably probable that such person will produce the quantity of opium poppies specified in the license; (3) to be the owner of or to control suitable farm land to be used as a production area, in such locality, as will, in the judgment of the Director, render reasonably probable efficient and diligent performance of the operations of producing the opium poppy in the quantity specified; (4) to have facilities for safeguarding the opium poppy crop which will reasonably insure that the opium poppies will not be diverted to illicit channels.

(b) Each such license shall be nontransferable and shall be valid only to the extent of the production area and maximum weight of opium poppy yield specified in the license, shall state the locality of the production area, and shall be effective for a period of one year from the date of issue, and may be renewed, at the discretion of the Director, for a like period.

§ 303.6 Limitations.

All licenses to produce opium poppies, issued by the Director, shall be limited to such number, localities, and areas as the Director shall determine to be appropriate to supply the medical and scientific needs of the United States for opium or opium products, with due regard to provision for reasonable reserves. It shall be the policy of the Director so far as practicable, to confine the production of opium poppies to such areas as will permit efficient and economical enforcement of the narcotic laws and regulations.

§ 303.7 Production in excess of quantities named in licenses.

If a licensee produces opium poppies in excess of the quantity called for in his license, such excess quantity may be seized and forfeited to the United States, or, the Director may, if he deems it appropriate and finds that such excess opium poppies were produced in good faith, amend the license so as to cover all or part of such excess quantity, and allow them to be disposed of under the act.

§ 303.8 License to manufacture.

Any person who desires to manufacture opium or opium products from opium poppies shall first obtain the required license and quota for the manufacture of a basic class of narcotic drug and be subject to all of the provisions and requirements of the Narcotics Manufacturing Act of 1960 (Pub. Law 86–429, 74 Stat. 55), and the regulations issued pursuant thereto (Part 307 of this chapter). No further manufacturing license shall be required. However, no license to manufacture opium or opium products from opium poppies shall be issued by the Director unless he finds that the medical and scientific needs of the United States for narcotic drugs are not being or cannot be supplied from crude opium obtained by importation.

§ 303.10 Change of address or other facts shown in application.

Any person to whom a license has been issued shall immediately notify the Director of any change of the address or any other fact shown in his application, and of any subsequent change of address or other fact.

§ 303.11 Revocation or renewal of licenses.

(a) The Director may revoke or refuse to renew any license issued under the act if after due notice to a licensee and an opportunity for hearing he finds that the licensee has failed to comply with any of the qualifications found to exist at the time of the issuance of such license, if he finds that such licensee has failed to comply with the Federal or State narcotic laws and regulations, or laws supplementary thereto, or if he finds that the revocation or refusal to renew any license shall be in the public interest.

(b) If it is the intention of the Director to revoke or refuse to renew any license, he shall immediately notify the licensee thereof and his reasons therefor by registered letter addressed to his last address reported by him to the Director. The licensee shall be advised by the Director in such registered letter that he has 30 days from the date of the letter in which to submit his reasons showing cause why the Director should not revoke or refuse to renew the license. The licensee shall be further advised in such registered letter that upon his request, filed with the Director within the same 30 days, a hearing will be granted. If, within such 30 days, the licensee fails to submit reasons showing cause why the Director should not revoke or refuse to renew the license, the Director may revoke or refuse to renew his license without further proceedings. If, within such 30 days, the licensee fails to request a hearing, but submits reasons purporting to show cause, the Director shall consider the reasons and decide the matter and communicate his decision to the licensee within 15 days from the receipt of the reasons purporting to show cause.

§ 303.12 Hearing.

(a) If a hearing is requested, the Director shall notify the licensee of the time and place where such hearing will be conducted and held. The hearing shall be conducted and held at a place deemed by the Director to be reasonably convenient to the licensee. The hearing may be conducted by the Director or his duly authorized representative. The Bureau of Narcotics and Dangerous Drugs shall introduce at the hearing the evidence on which reliance is to be had for revocation of or refusal to renew the license. The licensee shall have an opportunity at the hearing to examine the evidence submitted and to confront and cross-examine any witnesses for the Bureau of Narcotics and Dangerous Drugs.

(b) The licensee shall be afforded an opportunity to present all his evidence and argument on the matter and shall have the privilege of being represented by counsel of his own choice. The licensee shall be permitted 15 days from the date of the conclusion of the hearing to submit a written brief to the Director or his duly authorized representative.

(c) If the hearing is conducted by a representative of the Director, such representative shall file with the Director a stenographic report of the evidence and the arguments presented and any briefs submitted, together with his findings and recommendation. The Director, after considering this report and the briefs shall render his decision and communicate the same to the licensee within 45 days from the date of the conclusion of the hearing.

§ 303.13 Director not required to issue or renew license.

The Director shall not be required to issue or renew any license or licenses under the provisions of the act: *Provided, however,* That the Attorney General, on appeal, may require the Director to issue or renew a license.

§ 303.14 Returns required of producers.

Every person licensed as a producer of opium poppies shall render an annual return to the Director on or before the 15th day of January, for the annual period ending December 31 of the preceding year, reporting all transfers and dispositions of opium poppies and fully accounting for all opium poppies produced or otherwise obtained. Such returns shall be prepared on forms furnished by the Director, and shall include, for each such period, (a) a complete accounting for all poppy seeds received, planted, produced, harvested, or otherwise acquired or disposed of, and the seed on hand at the beginning and end of the period; (b) a complete reporting of the areas planted and harvested and the areas under cultivation at the beginning and end of the period; and (c) a full and complete accounting for all quantities of opium poppies produced, harvested, received, sold, or otherwise acquired or disposed of, and those on hand at the beginning and end of the period.

§ 303.15 Returns required of manufacturers.

Every person licensed as a manufacturer of opium or opium products from opium poppies shall render quarterly returns on forms furnished by the Director, reporting and accounting for all such manufacturing operations in the same manner as is required of persons producing such substances from opium imported into the United States (see 26 CFR 151.123–151.132): *Provided, however,* That the Director may, in any instance, specify such changes and modifications in such forms as the variations in manufacturing procedures and other circumstances may require.

§ 303.16 Disposition of forfeited opium poppies.

Opium poppies forfeited to the United States under the provisions of the act shall be destroyed by the Director or his authorized representative or, may be delivered to any department, bureau, or other agency of the U.S. Government upon proper application addressed to the Director. Such application shall show the name, address, and official title and department, bureau, or agency of the person to whom the narcotics are to be delivered, the quantity of opium poppies desired and the purpose for which they are intended. The delivery of such opium poppies may be ordered by the Director if in his opinion the purpose for which they are intended is medical or scientific.

§ 303.17 Penalties.

(a) Persons who violate the act shall be guilty of a felony and upon conviction thereof, be fined not more than $2,000, or imprisoned not more than 5 years, or both, in the discretion of the court.

(b) Any person who willfully makes, aids, or assists in the making of, or procures, counsels, or advises in the preparation or presentation of, a false or fraudulent statement in any application for a license under the provisions of the act shall (whether or not such false or fraudulent statement is made by or with the knowledge or consent of the person authorized to present the application) be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $2,000 or imprisoned for not more than 1 year, or both.

PART 304—[Reserved]

PART 305—OPIATES

Sec.
305.1 Opiate.
305.2 Chronological list of findings.

AUTHORITY: The provisions of this Part 305 issued under sec. 4731, 68A Stat. 557, as amended, sec. 17, 74 Stat. 67; 21 U.S.C. 514, 26 U.S.C. 4731.

§ 305.1 Opiate.

(a) *Definition.* The word "opiate" shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g))), and substance proclaimed by the President, and substance declared by administrative regulation, or other substance found by the Director, Bureau of Narcotics and Dangerous Drugs (after considering the technical advice of the Secretary of Health, Education, and Welfare, or his delegate, on the subject) to have (1) an addiction-forming or addiction-sustaining liability similar to morphine or cocaine; or (2) to be capable of conversion into a drug having such addiction-forming or addiction-sustaining liability with relative technical simplicity and degree of yield as to create a risk of improper use.

(b) *Finding.* Prior to making any finding that a drug or other substance is an "opiate" (as defined in paragraph (a) of this section), the Director, Bureau of Narcotics and Dangerous Drugs shall give due notice of his intention to consider the desirability of making such a finding and afford an opportunity for a public hearing to all interested parties. Not less than twenty days prior to the date set for a hearing, the Director shall cause to be published in the FEDERAL REGISTER a notice setting forth the date, time and place of the proposed hearing. Any person desiring to be heard shall furnish written notice to the Director not later than twenty days from the date notice of hearing is published in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received by the Director within such period of twenty days, no hearing shall be held, but the Director shall proceed to make a finding based on all available evidence including pharmacological and clinical tests of the drug. If written notice of a desire to be heard is received by the Director within the prescribed period of twenty days, the hearing will be held in accordance with the original notice. When the Director finds that a drug is an "opiate", he shall proclaim such finding in the FEDERAL REGISTER after which all of the provisions of the Federal narcotic laws shall apply to such drug.

(c) *Termination.* The Director may withdraw any previous finding that a drug or other substance is an "opiate" whenever he determines that such previous finding was erroneous. Such determination shall take effect immediately upon publication in the FEDERAL REGISTER and the particular drug or other substance shall thereupon cease to be an "opiate". The Director may, although he is not bound to, consider any action taken by the World Health Organization pursuant to Article 3 of the 1948 Protocol in withdrawing a drug or other substance previously declared an "opiate".

§ 305.2 Chronological list of findings.

(a) The following is a chronological list of the drugs or other substances proclaimed to be opiates by administrative declaration. Drugs or other substances listed include any salts thereof.

August 8, 1961

Betamethadol (B-4,4-diphenyl-6-dimethylamino-3-heptanol or B-6-dimethylamino-4,4-diphenyl-3-heptanol).
Etoxeridine (1 - [2 - (2 - hydroxyethoxy) - ethyl] - 4 - phenylpiperidine-4-carboxylic acid ethyl ester) (Atenorax, Atenos, Carbetidine).
Levomoramide (1-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Racemoramide (d,l-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine) (Promedol).
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

October 5, 1961

Noracymethadol (α-dl-3-acetoxy-6-methylamino-4,4-diphenyl heptane).

December 21, 1961

Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate).

(b) The following is a chronological list of drugs or other substances found by the World Health Organization as being capable of producing addiction or of conversion into a drug or other substance capable of producing addiction and designated as opiates by administrative declaration pursuant to the provisions of § 307.61(b) of this chapter. Drugs and other substances listed include any salts thereof.

JUNE 20, 1962

(Methadone-intermediate) 4-cyano-2-dimethylamino-4,4 diphenylbutane.
(Pethidine - intermediate - A) 4-cyano-1-methyl-4-phenylpiperidine.
(Moramide - intermediate) 2 - methyl-3-morpholino - 1,1 - diphenylpropanecarboxylic acid.

APRIL 2, 1963

(Pethidine-intermediate-C) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

APRIL 7, 1964

(Norpipanone) 4,4-diphenyl-6-piperidino-3-hexanone.
(Fentanyl) 1-phenethyl-4-N-propionylanilinopiperidine.

MARCH 1966

(Piritramide) 1 - (3 - cyano-3,3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide.

PART 306—SURRENDER OF HEROIN

Sec.
306.1 Forfeiture of heroin.
306.2 Disposition of surrendered and forfeited heroin.
306.3 Heroin for scientific research purposes.

AUTHORITY: The provisions of this Part 306 issued under sec. 1402, 70 Stat. 572; 18 U.S.C. 1402.

§ 306.1 Forfeiture of heroin.

All heroin heretofore lawfully possessed by any registrant and not surrendered in accordance with 18 U.S.C. 1402 after the 16th day of November 1956 shall be seized and forfeited to the United States without compensation.

§ 306.2 Disposition of surrendered and forfeited heroin.

All heroin acquired by the United States pursuant to section 1402 of title 18 of the United States Code shall be disposed of in accordance with the provisions of 4733 of the Internal Revenue Code of 1954.

§ 306.3 Heroin for scientific research purposes.

Any heroin acquired under the provisions of section 1402 of title 18 of the United States Code, shall be available, in the discretion of the Director, Bureau of Narcotics and Dangerous Drugs, for scientific research purposes in accordance with the provisions of section 4733 of the Internal Revenue Code of 1954.

PART 307—MANUFACTURING OF NARCOTIC DRUGS

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307.121 Manufacturing quotas for basic classes of narcotic drugs; generally.
307.122 Individual manufacturing quotas.
307.123 Formula for fixing individual manufacturing quotas.
307.124 Provisional manufacturing quotas.
307.125 Application for individual manufacturing quotas.
307.126 Increase in individual manufacturing quotas.

AUTHORITY: The provisions of this Part 307 issued under sec. 2, 35 Stat. 614, sec. 6, 56 Stat. 1046, secs. 4, 15, 16, 17, 74 Stat. 57, 66, 67; 21 U.S.C. 173, 188e, 182, 513, 514, 26 U.S.C. 4731.

GENERAL PROVISIONS

§ 307.51 Hearings.

To the extent that a hearing under the regulations in this part is required pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237), such hearing shall be conducted in accordance therewith. The Director may specify such procedural rules as may be necessary from time to time to secure the efficient and expeditious conduct of hearings.

§ 307.52 Practice before Bureau of Narcotics and Dangerous Drugs by former employees.

(a) *Matters pending while employed.* No person having served as an agent, Regional Director, administrative officer, attorney or in any other capacity with the Bureau of Narcotics and Dangerous Drugs shall, within 2 years after the termination of his employment with the Bureau, practice or in any manner act as an attorney or agent or as the employee of an attorney or agent in any matter pending during the period of his employment therein, unless he shall first obtain the written consent of the Director. This consent will not be granted unless it appears that the applicant for such consent did not give personal consideration to the matter or gain knowledge of the facts involved during and by reason of his employment in the Bureau of Narcotics and Dangerous Drugs.

(b) *Practice before Bureau.* For the purpose of this section, practice before the Bureau shall include the preparation of any statement, opinion or other paper by any attorney, accountant, chemist, pharmacologist or other expert filed with the Director.

§ 307.53 Definitions.

As used in this part:

"Act" means the Narcotics Manufacturing Act of 1960, Pub. Law 86-429 (74 Stat. 55).

"Bureau" means the U.S. Bureau of Narcotics and Dangerous Drugs.

"Director" means the Director, Bureau of Narcotics and Dangerous Drugs.

"Licensee" means a person granted a license under section 8 of Act to manufacture a basis class of narcotic drug.

"Manufacture" means the production of a narcotic drug, either directly or indirectly, by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

"Narcotic", "narcotics", or "narcotic drugs" means any of the substances defined as narcotic drugs in section 4731(a) of the Internal Revenue Code of 1954, as amended by section 4(a) of the Narcotics Manufacturing Act of 1960.

"Person" includes an individual, partnership, corporation, association, trust, or other institution or entity.

"1912 Convention" means the International Opium Convention for the Suppression of the Abuses of Opium and other Drugs signed at the Hague, January 23, 1912, and entered into force with respect to the United States, February 11, 1915.

"1925 Convention" means the International Opium Convention signed at Geneva, February 19, 1925 to which the United States is not a party.

"1931 Convention" means the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, concluded at Geneva, July 13, 1931, and entered into force with respect to the United States July 9, 1933.

"1946 Protocol" means the protocol amending the Conventions of 1912, 1925 and 1931, signed at Lake Success on December 11, 1946, and entered into force with respect to the United States, August 12, 1947.

"1948 Protocol" means the protocol bringing under international control drugs outside the scope of the 1931 Convention, signed at Paris, November 19, 1948, and entered into force with respect to the United States, September 11, 1950.

§ 307.54 Delegation of functions.

Reorganization Plan No. 1 of 1968 issued by the President, effective April 8, 1968 (Presidential Documents, 33 F.R. 5611), provides in part as follows:

Section 1. Transfer of functions from Treasury Department. There are hereby transferred to the Attorney General:

(a) Those functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Narcotics.

(b) All functions of the Bureau of Narcotics, of the Commissioner of Narcotics, and of all other officers, employees and agencies of the Bureau of Narcotics.

(c) So much of other functions or parts of functions of the Secretary of the Treasury and the Department of the Treasury as is incidental to or necessary for the performance of the functions transferred by paragraphs (a) and (b) of this section.

INTERNATIONAL CONTROL OF NARCOTIC DRUGS

§ 307.61 Notifications, findings and decisions under the 1948 Protocol.

(a) *Notification given.* The United States is obligated, as a signatory state Party to the 1948 Protocol to notify the Secretary-General of the United Nations whenever it considers that a drug which is or may be used for medical or scientific purposes is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in Article 1, Paragraph 2 of the 1931 Convention and is not covered by that Convention. The notification to the Secretary-General of the United Nations shall be made only after the Director has found and proclaimed such drug to be an "opiate" in accordance with the procedure prescribed by section 4731(g) of the Internal Revenue Code of 1954, as amended by section 4(b) of the Narcotics Manufacturing Act of 1960.

(b) *Notification received.* When the United States receives notification from the Secretary-General of the United Nations (pursuant to Article 1 or 2 of the 1948 Protocol) based on a decision of the World Health Organization or of the Commission on Narcotic Drugs of the Economic and Social Council that a drug which is or may be used for medical or scientific purposes and which is liable to the same kind of abuse and productive of the same kind of harmful effects as the drugs specified in Article 1, Paragraph 2 of the 1931 Convention, and is not covered by the 1931 Convention, is capable of producing addiction or of conversion into a drug capable of producing addiction, the Director shall cause to be published in the FEDERAL REGISTER such decision of the World Health Organization or Commission on Narcotic Drugs, unless such drug has already been determined to be an "opiate" in accordance with section 4731(g) of the Internal Revenue Code of 1954, as amended by section 4(b) of the Narcotics Manufacturing Act of 1960. From the time of such publication, the drug will be subject to the same control as an "opiate" in the same manner as if it had been so determined and proclaimed by the Director pursuant to the procedure set forth in section 4731(g) of the Internal Revenue Code of 1954, as amended by section 4(b) of the Narcotics Manufacturing Act of 1960.

§ 307.62 Findings by United Nations organs.

(a) *Arguments opposed to finding or decision.* Any person interested in the domestic manufacture and distribution for medical or scientific purposes of a drug which becomes subject to control by virtue of the procedure set forth in § 307.61(b), may submit to the Director, Bureau of Narcotics and Dangerous Drugs written data, views, briefs and arguments opposed to such finding or decision. The Director shall transmit such written data, views, briefs and arguments to the Department of State for transmittal to the Secretary-General of the United Nations for consideration of the World Health Organization or the Commission on Narcotic Drugs, as the case may be, (under Article 3 of the 1948 Protocol) as the written opposition of such interested party, and not necessarily as the views of the United States.

(b) *Revised finding or decision.* If, after the submission of written data, views, and argument to the Secretary-General of the United Nations in accordance with paragraph (a), the United States receives a revised finding or decision that the drug in question is not capable of producing addiction or conversion into a drug capable of producing addiction and that the provisions of the 1931 Convention shall not apply to such drug, the Director, Bureau of Narcotics and Dangerous Drugs shall cause such revised findings or decision

to be published in the FEDERAL REGISTER within ninety (90) days of receipt thereof. From the time of such publication, such drug shall cease to be an "opiate", unless the Director has previously initiated an "opiate" procedure pursuant to section 4731(g) of the Internal Revenue Code of 1954, as amended by section 4(b) of the Narcotics Manufacturing Act of 1960.

§ 307.63 Withdrawal of Narcotic Drug from International control.

General: When the United States receives a revised finding or decision (under Article 3 of the 1948 Protocol) that a drug already subject to the federal narcotic laws as an "opiate" is not capable of producing addiction or of conversion into a drug capable of producing addiction and that the provisions of the 1931 Convention shall not apply to such drug, the Director, Bureau of Narcotics and Dangerous Drugs may, in his discretion, cause to be published in the FEDERAL REGISTER such revised finding or decision and, from the time of publication, such drug shall cease to be an "opiate". If on the other hand the Director, in his discretion, does not cause such revised finding or decision to be published in the FEDERAL REGISTER, the drug in question shall continue to be an "opiate".

BASIC CLASSES OF NARCOTIC DRUGS

§ 307.71 Modification of list of basic class of narcotic drugs.

(a) *Definition of "basic class" of narcotic drug.* The term "basic class" of narcotic drug means any class of narcotic drug which has been included in the list enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960, as such list may be altered from time to time by adding to, subtracting from, or further defining any such class.

(b) *Alteration of a basic class.* Whenever the Director, Bureau of Narcotics and Dangerous Drugs shall, either upon his own motion or upon the application of an interested party, determine that a narcotic drug as defined in section 4731 of the Internal Revenue Code of 1954, as amended by section 4 of the Narcotics Manufacturing Act of 1960, on the basis of its chemical structure and content possesses an addiction-forming or addiction-sustaining liability or convertibility into an addicting drug so great as to present a hazard, if manufactured and distributed, to the public health and safety, he may alter the classification set forth in section 3(g) of this Act by subtracting such basic class from existing classification or he may further define such basic class, as the case may be. The Director, prior to making such alteration, shall cause to be published in the FEDERAL REGISTER a notice as to this proposed subtraction or further definition of a basic class. Such notice shall also apprise interested parties of their right to request a hearing as to the proposed alteration of a basic class.

(c) *Addition of a new basic class to existing classification.* No new basic class of narcotic drug shall be added by the Director to the established enumeration unless he shall first have determined that;

(1) Such drug is a narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954, as amended by section 4 of the Narcotics Manufacturing Act of 1960, or has caused to be published in the FEDERAL REGISTER a determination to this effect pursuant to section 5 of this Act; and

(2) To permit the manufacture of such drug will not be contrary to the public health and safety.

§ 307.72 Establishment of a new basic class of narcotic drug.

(a) *Request to establish a new basic class of narcotic drug.* A person interested in having a new basic class of narcotic drug established, as provided in § 307.71, shall file a formal written request therefor with the Director, Bureau of Narcotics and Dangerous Drugs on Bureau Form 187.

(b) *Preparation of Bureau Form 187.* The applicant for the establishment of a new basic class of narcotic drug in preparing Bureau Form 187 shall, to the extent available, render the following information called for on the form:

(1) Generic name for drug;

(2) International non-proprietary name of the drug;

(3) Chemical name or description (structural formula);

(4) General description and composition;

(5) Therapeutic action and uses;

(6) Advantages, if any, over similar drugs already in use;

(7) Known or suspected habituation or addiction potentials;

(8) Known side effects, if any, and precautions desirable in its use;

(9) Methods of administration and recommended dosage;

(10) Nature of applicant's interest in the drug.

(c) *Submission of Bureau Form 185.* The applicant for the establishment of a new basic class of narcotic drug, in addition to the filing of Bureau Form 187, shall prepare and file Bureau Form 185. The purpose of this form is to provide the Director with whatever information is available respecting the chemical formulas, physical properties and general identification of new narcotic drugs and their closely related analogs, on which the Bureau is called upon to take some action, particularly new synthetics and newly prepared opium derivatives, whose properties are not yet published in standard chemical or pharmaceutical reference works.

(d) *Addition of new basic class by Director.* Where the Director, on his own initiative, determines in accordance with paragraph (c) of § 307.71, that the addition of a new basic class of narcotic drug to the existing classification would not be contrary to the public health and safety, he shall cause a notice to this effect to be published in the FEDERAL REGISTER. The notice shall also apprise interested parties that they may request a hearing as to the proposed addition of a new basic class of narcotic drug to the existing classification, as enumerated in section 3(g) of the Act.

(e) *Granting of application to establish a new basic class.* If on the basis of all the information before him, the Director determines that the approval of an application for the addition of a new basic class to the existing classification would be consistent with the law and the public health and safety, he shall cause to be published in the FEDERAL REGISTER a notice to the effect that an application to establish a new basic class of narcotic drug has been made by a named applicant, specifying the class of narcotic drug involved and apprising all interested parties of their right to request a hearing as to the proposed addition of a new basic class to the existing classifications. The notice shall indicate that in the absence of evidence convincing the Director that such course is inappropriate, he intends to grant the application.

(f) *Final determination to establish a new basic class.* The Director after having determined under paragraph (d) or (e) of this section that it is consistent with law and the public health and safety to establish a new basic class of narcotic drug to the existing classification, shall cause to be published in the FEDERAL REGISTER a final notice to this effect.

(g) *Denial of application.* If, on the basis of all of the information before him, the Director determines that the approval of an application for the addition of a new basic class to the existing classification would not be consistent with law and the public health and safety, he may deny such application. Prior to denying such application, the Director shall afford the applicant an opportunity to present any additional evidence relevant to the application. If after such additional evidence is presented, the Director determines that it would now be consistent with law and the public health and safety to grant such application, the provisions of paragraphs (e) and (f) of this section shall apply.

(h) *Opportunity for hearing.* If the Director continues to be of the opinion that the granting of the application would not be consistent with law and the public health and safety, he shall afford the applicant an opportunity for a hearing, causing a notice to this effect to be published in the FEDERAL REGISTER.

§ 307.73 List of basic classes of narcotic drugs.

The following substances and their salts constitute the list of basic classes of narcotic drugs:

1. Opium, powdered, granulated, or deodorized, or tinctures or extracts of opium.
2. Mixed alkaloids of opium.
3. Morphine.
4. Codeine.
5. Thebaine.
6. Narcotine (noscapine).
7. Papaverine.
8. Cotarnine.
9. Narceine.
10. Ethylmorphine.
11. Apomorphine.
12. Nalorphine (N-allylnormorphine).

13. Hydromorphone (dihydromorphinone).
14. Metopon (methyldihydromorphinone).
15. Dihydrocodeine.
16. Hydrocodone (dihydrocodeinone).
17. Oxycodone (dihydrohydroxycodeinone).
18. Cocaine.
19. Ecgonine.
20. Pethidine (meperidine, isonipecaine) 1-methyl-4-phenylpiperidine-4-carboxylic acid ethylester).
21. Alphaprodine (alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine).
22. Methadone (amidone) (6-dimethylamino-4, 4-diphenyl-3-heptanone).
23. Isomethadone (isoamidone) (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone).
24. Levorphan and racemorphan (3-hydroxy-N-methylmorphinan).
25. Levomethorphan and racemethorphan (3-methoxy-N-methylmorphinan).
26. Anileridine (Ethyl 1-[2-(p-amino phenyl)-ethyl]-4-phenyl piperidine-4-carboxylate).
27. Phenazocine (2'-Hydroxy-5, 9-dimethyl-2-(2-phenylethyl)-6, 7-benzomorphan).
28. Dihydromorphine.
29. Diphenoxylate (Ethyl 1-(3-cyano-3, 3-diphenylpropyl)-4-phenyl-4-piperidinecarboxylate).
30. Metazocine (2'-Hydroxy-2, 5, 9-trimethyl-6, 7-benzomorphan).
31. Oxymorphone (14-Hydroxydihydromorphinone).
32. Pholcodine (Morpholinyl-ethylmorphine).
33. Piminodine (Ethyl-4-phenyl-1-[3-(phenylamino)-propyl]-4-piperidine carboxylate).
34. Norpethidine (ethyl 4-phenyl-4-piperidinecarboxylate).
35. Fentanyl (1-phenethyl-4-N-propionylanilinopiperidine).

Manufacture of Narcotic Drugs

§ 307.81 Restriction on manufacture of narcotic drugs.

General: Except as provided in § 307.83, it shall be unlawful for any person to engage in the manufacture of any narcotic drug or cause or permit another to engage in the manufacture of any narcotic drug unless:

(a) Such narcotic drug is included in a "basic class" of narcotic drug (see § 307.71); and

(b) Such person holds a currently effective license for the manufacture of such basic class of narcotic drug issued pursuant to section 8 of the Act (see § 307.90); and

(c) Such person holds a currently effective manufacturing quota with respect to such basic class of narcotic drug, as set forth in section 11 of the Act (see § 307.121).

§ 307.82 Omission of a narcotic drug from a basic class.

(a) No narcotic drug shall be manufactured unless it is included within a basic class enumerated in section 3(g) of the Narcotics Manufacturing Act of 1960, or established pursuant to section 6 of the Act.

(b) The fact that the Director shall have (1) determined that a drug is a narcotic drug, or (2) caused a finding or decision with respect to any drug or other substance to be published in the Federal Register pursuant to section 5 of the Narcotics Manufacturing Act of 1960 (see § 307.61), shall not require the Director to add such narcotic drug to the classification set forth in section 3(g) of the Act (see § 307.71 as to modification of list of basic class of narcotic drugs), or to grant a manufacturing quota pursuant to section 11 of the Act (see § 307.121), for such narcotic drug, if he finds that it would be contrary to the public health and safety.

§ 307.83 Manufacturing for scientific research and testing.

(a) *Manufacture for scientific research.* The Director, Bureau of Narcotics and Dangerous Drugs shall exempt from the provisions of § 307.90, any person desirous of the manufacturing a narcotic drug exclusively for research in the development of manufacturing processes for the drug, or for chemical, pharmacological or medical testing of such drug, for fitness for medical or scientific use and for determination of its suitability for general manufacture and distribution for medical or scientific use.

(b) *Authorization to manufacture.* Written authorization from the Director to manufacture a narcotic drug for scientific purposes must be obtained prior to the undertaking of such manufacture. The Director shall grant such authorization only to those public officials who have evidenced their exemption from registration and payment of tax (26 CFR 151.221) with the District Director of the Internal Revenue Service or to persons registered in Class I or Class VI, under section 4722 of the Internal Revenue Code of 1954, as amended, and who otherwise meet the standards for licensing under subsection (a) of section 8 of the Narcotics Manufacturing Act of 1960.

(c) *Application for authorization to manufacture.* A person desiring to obtain authorization to manufacture a narcotic drug for scientific purposes shall file an application therefor on Bureau Form 190 in duplicate, which form is available at the office of the Director, Bureau of Narcotics and Dangerous Drugs, Washington, D.C. 20537. If the drug to be manufactured is produced by chemical synthesis, whether or not from narcotic materials, the application shall be accompanied by an outline of the process of synthesis on Form 186, identifying the substances from which it is to be made and those resulting from each successive step of the process, and indicating in each instance whether the substance is isloated and weighed or measured or whether it remains in solution in a continuing process of manufacture. The applicant need not disclose on this form any technical detail of the process which he regards as an important trade secret, but in order that the Director may discharge his responsibility under the law with respect to narcotic precursors the applicant must identify each substance used and each substance resulting from the successive stages of manufacture. Information disclosed on Form 186 will be held in confidence by the Bureau.

(d) *Limitations on authorization.* Authorization to manufacture under this section will be limited to narcotic drugs not readily available to the researcher from sources within the United States, except where the development of new or improved methods of production is the object of the research to be undertaken. In addition, the Director may specify a limitation on the quantity of narcotic drug to be manufactured under this section of the regulations.

(e) *Reports required.* Persons authorized to manufacture under this section of the regulations and who are Class I registrants shall render a quarterly report to the Director on Bureau Form 810 and its supplements in accordance with 26 CFR 151.261. Those persons who are Class VI registrants shall render to the Director semi-annual reports on Bureau Form 192, as of June 30 and December 31 of each year, to be submitted not later than the 15th of the month following, accounting for the manufacture and use or other disposition of the drugs so manufactured.

(f) *Disposition of drugs manufactured.* All such drugs manufactured under this section of the regulations shall be used in research or otherwise disposed of, as authorized by the Director, within 5 years from the date of manufacture, unless an extension of time for completion of the research has been requested in writing and granted by the Director.

(g) *Suspension or revocation of authorization.* Any authorization granted by the Director under this section of the regulations shall be subject to suspension or revocation in accordance with the procedure set forth in §§ 307.99 and 307.100 [1] as to suspension or revocation of licenses to manufacture.

Manufacturers' Licenses

§ 307.90 License to manufacture narcotic drugs; generally.

(a) Every manufacturer of a basic class or classes of narcotic drug shall obtain a license for each such basic class on or before January 1, 1961, if then already engaged in such manufacture. All other persons desiring to engage in the manufacture of a basic class or classes of narcotic drug after January 1, 1961 shall obtain appropriate licenses for each such basic class prior to undertaking such manufacture. Issuance of a license for the manufacture of any one basic class of narcotic drug shall not entitle the licensee to engage in any transaction with respect to any other basic class of narcotic drug.

(b) A person desiring to obtain a license as provided in paragraph (a) of this section shall prepare and file an application for such a license in accordance with the procedure set forth in § 307.92.

§ 307.91 Registration as a prerequisite to issuance of a license.

In addition to the conditions precedent for the issuance of a license to manufacture a particular basic class of narcotic drug as provided in § 307.90, each

[1] Appears at 25 F.R. 13754 as §§ 307.79 and 307.100.

applicant for a license must be registered as a Class I registrant pursuant to the provisions of sections 4721 and 4722 of the Internal Revenue Code of 1954, as amended (see 26 CFR Part 121 et seq.).

§ 307.92 Requirements for license applications.

(a) *Who may file.* Any person may file an application for a license to manufacture a basic class of narcotic drug under section 8 of the Narcotics Manufacturing Act of 1960.

(b) *Filing of applications.* All applications for licenses must be filed in the office of the Director, Bureau of Narcotics and Dangerous Drugs, Washington, D.C. 20537. Application shall be made on Bureau Form 188 in duplicate which form is available at the above address. If the drug to be manufactured is produced by chemical synthesis, whether or not from narcotic materials, the application shall be accompanied by an outline of the process of synthesis on Form 186, identifying the substances from which it is to be made and those resulting from each successive step of the process, and indicating in each instance whether the substance is isolated and weighed or measured or whether it remains in solution in a continuing process of manufacture. The applicant need not disclose on this form any technical detail of the process which he regards as an important trade secret, but in order that the Director may discharge his responsibility under the law with respect to narcotic precursors the applicant must identify each substance used and each substance resulting from the successive stages of manufacture. Information disclosed on Form 186 will be held in confidence by the Bureau.

(c) *Separate applications.* An applicant who files separate applications to manufacture more than one class of narcotic drug need not repeat information on each application. He may make reference on any application to information which he has furnished on another application, identifying such other application by either file number, or if there has been no file number assigned, by basic class.

(d) *Subscription of applications.* Each application, or amendment thereto, and each written statement of fact required by the Director from any applicant to enable the Director to determine whether an application should be granted or denied, shall be personally signed by the applicant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if an association or corporation.

(e) *Contents of applications.* (1) Each application shall include all information called for by Forms 186 and 188 unless the information called for is inapplicable, in which case this fact shall be indicated.

(2) The Director may require an applicant to submit such documents and written statements of fact pertinent to the subject matter of the application, as in the Director's judgment may be necessary, or to amend the application to make it more definite and certain.

(f) *Acceptance of applications for filing.* (1) Applications submitted for filing are dated by the office of the Director upon receipt and then forwarded to the Office of Compliance where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete are accepted for filing and are given a file number, which file number shall be transmitted to the applicant to be used on all future correspondence related to the application. In case of minor defects as to completeness, the applicant will be requested to supply the missing information. Applications which are not substantially complete will be returned to the applicant.

(2) Acceptance of an application for filing merely means that it has been the subject of a preliminary review by the Director's administrative staff as to completeness and has no relevance to whether the application will be granted or denied. Such acceptance will not preclude the subsequent request for further information.

(g) *Defective applications.* (1) Applications which are determined to be patently not in accordance with these regulations or the Director's specific requirements as to a particular applicant, unless accompanied by an appropriate request for waiver, will be considered defective and will not be accepted for filing. If it is ascertained that an application has been inadvertently accepted for filing, the filing will be cancelled. Requests for waiver or exception desired shall set forth the reasons in support thereof, and will be accepted or rejected in the discretion of the Director.

(2) If an applicant is requested by the Director to file any additional documents or information pertinent to the application not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective and the filing of such application will be cancelled.

(h) *Amendments to applications.* (1) Any application may be amended as a matter of right prior to the date of the receipt of notice from the Director establishing a date for a hearing as requested by the applicant in accordance with § 307.93(d).

(2) Requests to amend an application after it has been designated for hearing will be considered only upon written permission by the Director, and will be granted only for good cause shown.

(i) *Withdrawal of applications.* (1) Any application may, upon request of the applicant, be withdrawn as a matter of right prior to the date of receipt of notice from the Director establishing a date for a hearing as requested by the applicant in accordance with § 307.93 (d). An applicant's request for the return of an application that has been accepted for filing will be regarded as a request to withdraw the application.

(2) Requests to withdraw an application after it has been designated for a hearing will be granted only for good cause shown.

(3) Failure to prosecute an application or failure to respond to official correspondence or request for additional information will be treated as a request by the applicant for withdrawal of his application.

§ 307.93 Action upon applications.

(a) *Notice of intention to grant application.* If after appropriate consideration, the Director finds that it would be consistent with the public interest to grant any application filed pursuant to § 307.92, he shall so notify the applicant. This notification, however, shall not be construed as granting the application.

(b) *Protest of grant of application.* After notification is given to the applicant, as provided in paragraph (a) of this section, the Director shall cause to be published in the FEDERAL REGISTER a notice to the effect that a named applicant has applied for a license to manufacture a particular basic class of narcotic drug, and that such application is being favorably considered. He shall at the same time mail a copy of this notice to every person who then holds an effective license to manufacture a narcotic drug in the basic class to which the application applies or who has a pending application therefor on file. Within twenty days after the notice is published in the FEDERAL REGISTER, any interested person may file a written protest with both the Director and the applicant against favorable consideration of the application. Any such protest shall specify with particularity the facts relied upon as showing that a license if granted to the applicant would not be in the public interest. Such interested person may request a hearing as to his protest. The Director shall, within twenty days after the filing of a timely protest, designate a date for a hearing. The Director may require of the applicant that he file with the Director and the person making the protest, a written statement setting forth the grounds, if any, for his opposition to the protest. If such statement is required by the Director, the applicant must file it within twenty days after the demand upon him is made by the Director. Failure on the part of the applicant to submit such statement will be grounds for denial of the application.

(c) *Action on denial of license.* If upon examination of any application prepared and filed by the applicant in accordance with § 307.92, the Director is unable to find that it would be consistent with the law and the public interest to grant the application, he shall notify the applicant that he is denying the application and shall state the grounds and reasons for his action.

(d) *Right of hearing after denial of license.* Following notice of denial, as set forth in paragraph (c) of this section, the applicant within twenty days from receipt thereof, may present in writing

any reasons for disagreeing with the Director's denial of the application. If the Director thereafter determines that is appropriate to give favorable consideration to the application, the provisions of paragraphs (a) and (b) of this section shall apply. If the Director adheres to his decision to deny the application, he shall afford the applicant an opportunity to be heard. If the applicant elects to have a hearing, the Director shall specify a date for the hearing and shall appropriately notify the applicant and each licensee who holds an effective license to manufacture the basic class of narcotic drug to which the application relates and every person who has on file an application to manufacture the basic class of narcotic drug involved. The Director shall also cause to be published in the FEDERAL REGISTER a notice to the same effect.

(e) *Joinder of parties and consolidation of hearings.* All interested persons are permitted to participate in any hearing under this section and may be compelled by the Director to do so or waive their rights to be heard. The Director may direct that more than one application to manufacture a basic class of narcotic drug be consolidated for the purpose of a hearing. After consolidation, an application will be retained for hearing notwithstanding that prior to hearing any other application with which it has been consolidated has been dismissed, or amended or otherwise removed from the hearing.

§ 307.94 Factors governing issuance of licenses.

In determining whether to issue a license to an applicant to manufacture a particular basic class of narcotic drug, under § 307.90, the Director shall be governed by whether the issuance of the license would tend to achieve the objectives set forth in section 8 of the Narcotics Manufacturing Act of 1960.

§ 307.95 Period of validity of license.

The Director shall designate the form which the license to be issued pursuant to § 307.90 shall take. The license once issued, shall not require any renewal and shall remain in effect, subject only to annual renewal of registration as required in section 8(b) of the Narcotics Manufacturing Act of 1960, unless otherwise revoked or suspended pursuant to section 9 of the Act (see §§ 307.99–307.100), or voluntarily surrendered.

§ 307.96 Assignment or transfer of licenses.

No license nor any right granted thereunder shall be assigned or otherwise transferred except upon such conditions as the Director may specifically designate and then only pursuant to his written consent.

§ 307.97 Warning to licensee for failure to comply.

(a) *Failure to comply, generally.* Where a licensee has failed to comply with any of the provisions of these regulations or has failed to operate in accordance with any provision of the federal narcotic laws and regulations, the Director, Bureau of Narcotics and Dangerous Drugs may serve written notice upon such licensee calling his attention to the facts or conduct of such licensee without serving an order to show cause as provided in § 307.98. The licensee may then be accorded an opportunity to demonstrate or achieve compliance with all lawful requirements, and to render a full and complete explanation as to the matter brought to his attention by the Director.

(b) *Willful failure to comply.* Where the Director, Bureau of Narcotics and Dangerous Drugs considers the licensee's failure to comply with any of the provisions of these regulations or his failure to operate in accordance with any provision of the federal narcotic laws and regulations is willful or contrary to the public health and safety, the Director shall issue an order to show cause, pursuant to § 307.98.

§ 307.98 Orders to show cause.

(a) Before revoking any license, the Director shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Director at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein.

(b) In order to avail himself of the opportunity to be heard, the licensee shall within thirty days of the date of the receipt of the order file with the Director a written statement that he will appear in accordance with the order and will present evidence on the matter specified in the order. If the licensee fails to file such written statement within the time specified in this paragraph, the right to a hearing shall be deemed to have been waived.

(c) Where a hearing is waived under paragraph (b) of this section, or where the licensee has failed to appear after having stated that he would do so, the allegations of fact contained in the order to show cause will be deemed to be correct.

(d) Where a hearing is waived, not under paragraph (b) of this section, but rather by written formal waiver, the licensee may submit to the Director a written statement in mitigation or justification within thirty days of the date of receipt of the order to show cause.

(e) Any order of revocation issued pursuant to this section of the regulations by the Director shall include a statement by him of his findings and grounds and reasons therefor and shall:

(1) Specify the effective date of the order; and

(2) Cause such order to be served on the licensee.

(f) Any proceeding under this section shall be independent of, and not in lieu of, criminal prosecution or other proceedings under this Act or any other law of the United States.

§ 307.99 Suspension of licenses.

(a) The Director may suspend any license, when or at any time after he issues an order to show cause under § 307.98, in any case where he finds that the public health, safety or interest requires such suspension.

(b) Where the Director orders a license suspended under paragraph (a) of this section, the licensee shall send the license to the Director in Washington, D.C., promptly upon receipt of the notice of suspension.

(c) Any suspension ordered by the Director, as provided in this section of the regulations, shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, if any, unless sooner withdrawn by the Director, or dissolved by a court of competent jurisdiction.

§ 307.100 Revocation of licenses.

(a) Any license issued pursuant to section 8 of the Narcotics Manufacturing Act of 1960 may be revoked by the Director if the licensee

(1) Has been convicted of violating or conspiring to violate any law of the United States or of any State where the offense involves any activity or transaction with respect to narcotic drugs; or

(2) Has violated or failed to comply with any duly promulgated regulation relating to narcotic drugs, and such violation or failure to comply reflects adversely on the licensee's reliability and integrity with respect to narcotic drugs.

(b) In the case of a licensee who is the holder of more than one license issued pursuant to section 8 of the Act, the Director may revoke under paragraph (a) of this section one or all of the licenses issued to such licensee.

AUTHORITY TO SEIZE NARCOTIC DRUGS, ORDER FORMS AND TAX STAMPS

§ 307.111 Sealing and safeguarding of narcotic drugs.

(a) The Director, Bureau of Narcotics and Dangerous Drugs on or after ordering the suspension or revocation of a licensee's license under § 307.99 or § 307.100 may order that all narcotic drugs, whether or not taxes have been paid thereon, owned or possessed by such licensee and all unused order forms and narcotic tax stamps owned or possessed by such licensee be placed under seal under the supervision of a representative of the Bureau of Narcotics and Dangerous Drugs pending final disposition of the revocation proceeding.

(b) The representative of the Bureau referred to in paragraph (a) of this section, shall, in the presence of the licensee or his representative, prepare an inventory, in triplicate, of all items thus placed under seal. The original inventory shall be forwarded to the Director, Bureau of Narcotics and Dangerous Drugs, the duplicate copy shall be forwarded to the narcotic Regional Director of the district wherein the sealing takes place and the triplicate copy shall be given to the affected licensee.

(c) A licensee may make no disposition of any item placed under seal. The

licensee shall be responsible for safeguarding all sealed items to insure against their disposition and to protect them against being tampered with.

§ 307.112 Forfeiture of narcotic drugs.

(a) When a revocation order, under § 307.100, becomes final, all narcotic drugs, unused order forms and tax stamps relating to narcotic drugs, owned or possessed by the affected licensee, shall be forthwith confiscated, and when confiscated shall be deemed to be forfeited to the Government.

(b) Representatives of the Bureau of Narcotics and Dangerous Drugs when confiscating narcotic drugs, unused order forms and tax stamps, shall determine whether there has been any disposition of or tampering with any such items that had been sealed pursuant to § 307.111.

(c) At the time of confiscating narcotic drugs, unused order forms and tax stamps which have not previously been ordered sealed and safeguarded under § 307.111, the representatives of the Bureau of Narcotics and Dangerous Drugs who are confiscating the items shall, in the presence of the licensee or his representative, prepare an inventory in triplicate of the items being confiscated. The original inventory shall be forwarded to the Director, Bureau of Narcotics and Dangerous Drugs, the duplicate copy shall be forwarded to the narcotic Regional Director of the district wherein the confiscation was made and the triplicate copy shall be given to the licensee from whom the confiscation was made, and shall be retained by him for a period of not less than 2 years.

(d) Representatives of the Bureau of Narcotics and Dangerous Drugs at the time of confiscating narcotic drugs pursuant to this section may, as the Director, Bureau of Narcotics and Dangerous Drugs directs, either destroy accumulated narcotic wastes and undesired narcotic drugs or dispose of such wastes and drugs pursuant to the procedures set forth in paragraph (e) of this section.

(e) All confiscated items not destroyed shall be delivered to the narcotic Regional Director of the district wherein the confiscation takes place. The narcotic Regional Director will forward the narcotic drugs thus confiscated to the Director, Bureau of Narcotics and Dangerous Drugs (Drugs Disposal Committee) for proper disposition in accordance with the provisions of 26 CFR 151.491. Confiscated unused order forms and tax stamps shall be forwarded to the District Director of the Internal Revenue Service of the district wherein the licensee was registered for cancellation of such order forms and for disposition of the tax stamps. No refund will be allowed for tax stamps forfeited to the Government under this section of the regulations.

MANUFACTURING QUOTAS

§ 307.121 Manufacturing quotas for basic classes of narcotic drugs; generally.

(a) In order to carry out the treaty obligations of the United States, the Director, Bureau of Narcotics and Dangerous Drugs shall, on or before June 1, of each year, make determinations of the total quantity of each basic class of narcotic drug necessary to be manufactured during that calendar year to provide for the estimated medical and scientific needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks.

(b) In fixing yearly manufacturing quotas for each basic class of narcotic drug, the Director, Bureau of Narcotics and Dangerous Drugs shall consider the total needs for the procurement of such drugs for further manufacturing or processing by registered manufacturers who do not hold quotas to manufacture such basic class of narcotic drug. In order that such information may be available to the director each registered manufacturer who does not hold a manufacturing quota shall on or before November 30, notify the Director in writing on Bureau Form 194 of the amount of each basic class of narcotic drug which he desires to procure in the following year for further manufacturing or processing. The Director shall notify each person who has filed Bureau Form 194 whether the request thereon will be relied upon by the Director in fixing the annual manufacturing quotas. When the Director states that he will rely upon any such forms he shall also state the amount which he will take into account and such amount shall be known as the "purchase quota" of the person filing the form. Such purchase quotas will be based upon the applicant's previous yearly requirements and upon his reasonably anticipated requirements. A purchase quota may be increased by the Director upon request and upon a showing of need therefor.

(c) Notwithstanding the provisions of (b) of this section, Bureau Form 194 need not be filed by any registered manufacturer who uses less than one kilogram of all basic classes of narcotic drugs annually.

§ 307.122 Individual manufacturing quotas.

(a) *Fixing of individual manufacturing quotas.* The Director, Bureau of Narcotics and Dangerous Drugs shall upon application fix annual manufacturing quotas for each licensee holding a license to manufacture each basic class of narcotic drug and in so doing shall be governed by the provisions of section 11 of the Narcotics Manufacturing Act of 1960.

(b) *Reducing individual manufacturing quotas.* The Director, Bureau of Narcotics and Dangerous Drugs, after having established individual manufacturing quotas for a basic class of narcotic drug may reduce an individual manufacturing quota which he has previously fixed, so as to prevent the aggregate of the manufacturing quotas outstanding or to be granted from exceeding the established quota for the basic class of narcotic drug.

(c) *Production in excess of quota.* No person shall knowingly manufacture any narcotic drug in any quantity in excess of any quota which he holds. When a licensee who under a quota as originally fixed, or as reduced by the Director, Bureau of Narcotics and Dangerous Drugs under paragraph (b) of this section, has already manufactured a basic class of narcotic drug in excess of the quota, such excess shall be subtracted by the Director, Bureau of Narcotics and Dangerous Drugs from the licensee's manufacturing quota for the following year.

(d) *Proportionate reduction of manufacturing quota.* Any reduction of an individual manufacturing quota shall be in the same proportion as the reduction of the aggregate of the established quota for the basic class of narcotic drug or in the proportion that a quota to a new licensee may require in order to keep the aggregate of the individual quotas from exceeding the established quota for the basic class of narcotic drug.

§ 307.123 Formula for fixing individual manufacturing quotas.

(a) *Time for fixing of quotas.* Upon application therefor, the Director, Bureau of Narcotics and Dangerous Drugs shall, on or before June 1 of each year fix individual manufacturing quotas for the manufacturing of each basic class of narcotic drug.

(b) *Sufficiency of manufacturing quotas.* Subject to the right of the Director, Bureau of Narcotics and Dangerous Drugs to reduce, limit, suspend or revoke any manufacturing quota, any quota established for a licensee for the manufacture of a basic class of narcotic drug shall be sufficient to cover the licensee's estimated requirement for the calendar year in question as to—

(1) His "net disposal" (as defined in paragraph (c)) for such calendar year;

(2) His inventory at the close of such calendar year; and subject to such other factors as the Director may determine should be taken into consideration in arriving at a proper quota under all the circumstances (i.e., licensee's current net disposal rate, the trend of such net disposal rate during the preceding calendar year or years, the licensee's production cycle and current inventory position, the economic and physical availability of raw materials used by the licensee in the production of such basic class of narcotic drug, yield and stability problems, emergency situations such as catastrophes and strikes, and any other factors which the Director deems appropriate to consider in arriving at the proper quota under the circumstances).

(c) *Definition of "net disposal".* The term "net disposal" means the quantity of a basic class of narcotic drug sold, exchanged, given away, used in the production of another basic class of narcotic drug for which the manufacturer is licensed, or otherwise disposed of (as such or contained in or combined with other drugs compounded by the manufacturer of such basic class) by the manufacturer during a stated period, less the quantity of any such basic class of narcotic drug returned to the manufacturer by a customer and any quantity sold or transferred to another licensed man-

ufacturer of the same basic class of narcotic drug.

(d) *Definition of "inventory".* The term "inventory" means all factory and branch stocks (whether held by the manufacturer under Class I or Class II registration as provided in 26 CFR 151.41) of a basic class of narcotic drug manufactured or otherwise acquired by a licensee, whether in bulk, marketable packages, or contained in pharmaceutical preparations in the possession of the licensee and all subsidiary companies, if any, of such licensee.

(e) *Establishment of manufacturing quotas.* Subject to the right of the Director, Bureau of Narcotics and Dangerous Drugs to reduce, limit, suspend or revoke any manufacturing quota, the quota for each licensed manufacturer shall not be less than the sum of—

(1) Such licensed manufacturer's net disposal of such basic class of narcotic drug during the immediately preceding calendar year or the average of the three immediately preceding calendar years in which such manufacturer produced such basic class of narcotic drug, whichever is greater; and

(2) One-half of such manufacturer's net disposal of such basic class of narcotic drug during the immediately preceding calendar year;

less such manufacturer's inventory of such basic class of narcotic drug on December 31 of the preceding calendar year.

(f) *Manufacturing quotas for new licensees.* Subject to the right of the Director, Bureau of Narcotics and Dangerous Drugs to reduce, limit, suspend or revoke any manufacturing quota, the Director, upon application therefor, shall fix a quota for any licensed manufacturer of a basic class of narcotic drug who has not manufactured such basic class of narcotic drug during one or more of the three immediately preceding calendar years, in an amount adequate to cover such manufacturer's reasonably anticipated requirements for the current calendar year.

§ 307.124 Provisional manufacturing quotas.

(a) A licensed manufacturer, between January 1 of any year and the time when he receives a quota for such year under § 307.123 may manufacture a provisional quota of the basic class of narcotic drug for which he is licensed.

(b) The provisional quota referred to in paragraph (a) of this section, except as provided in paragraph (c) of this section shall be not more than 75 per centum of whichever of the following is greater:

(1) Such licensee's aggregate net disposal of such basic class of narcotic drug during the twelve months immediately preceding September 30 of the preceding year; or

(2) Twelve times such licensee's average monthly net disposal of such basic class of narcotic drug for the thirty-three months immediately preceding September 30 of the preceding year.

(c) The Director, Bureau of Narcotics and Dangerous Drugs, may, for good cause, raise or lower the provisional quota percentage provided for in paragraph (b) of this section. Any increase or decrease in percentage provided for by the Director shall apply to the provisional quotas of all licenses for the basic class of narcotic drug involved.

§ 307.125 Application for individual manufacturing quotas.

(a) Each person desirous of manufacturing a basic class of narcotic drug for which he holds a currently effective manufacturing license, shall file an application for an individual manufacturing quota on Bureau Form 189 for each such basic class of narcotic drug. Bureau Form 189 shall be filed with the Director, Bureau of Narcotics and Dangerous Drugs no later than March 1 of each year in which the licensee desires to manufacture such basic class of narcotic drug.

(b) Any person who is not desirous of manufacturing a basic class of narcotic drug for which he holds a currently effective manufacturing license, shall notify the Director, Bureau of Narcotics and Dangerous Drugs no later than March 1 of any year in which he does not desire to manufacture such basic class of narcotic drug.

(c) Any person who after having filed an application for an individual manufacturing quota under paragraph (a) of this section, decides not to manufacture such basic class of narcotic drug or to discontinue the manufacture of such basic class of narcotic drug, shall forthwith notify the Director, Bureau of Narcotics and Dangerous Drugs in writing, to this effect.

§ 307.126 Increase in individual manufacturing quotas.

(a) Any licensee who holds a manufacturing quota for a basic class of narcotic drug may file an application on Bureau Form 189 with the Director, Bureau of Narcotics and Dangerous Drugs for an increase in such manufacturing quota in order for him to meet his estimated net disposal, inventory and other requirements during the remainder of such calendar year.

(b) The Director, Bureau of Narcotics and Dangerous Drugs, in passing upon a licensee's application for an increase in his manufacturing quota, shall take into consideration any occurrences since the filing of such licensee's initial quota application that may require an increased manufacturing rate by such licensee during the balance of the calendar year. In passing upon such application the Director may also take into consideration the amount, if any, by which his determination of the total quantity for the basic class of narcotic drug to be manufactured under § 307.121, exceeds the aggregate of all the individual manufacturing quotas for the basic class of narcotic drug, and the equitable distribution of such excess among other licensees.

Incidental Manufacture of Narcotic Drugs

§ 307.131 Exception from applicability of license and quota provisions.

(a) Any licensee who, incidentally but necessarily, manufactures a narcotic drug as a result of his manufacture of a basic class of narcotic drug for which he holds a license and manufacturing quota under the regulations in this part, shall be exempt from the requirement of a license and quota under the regulations in this part as to such resulting narcotic drug.

(b) No license or quota shall be required for any quantity of narcotic drug which incidentally but necessarily results from the manufacture of any nonnarcotic substance not covered by the regulations in this part.

(c) Any incidentally but necessarily resulting narcotic drug, within the meaning of paragraphs (a) or (b) of this section which is a basic class of narcotic drug, shall be disposed of in the following ways only:

(1) By transfer to another manufacturer who holds a license to manufacture such basic class of narcotic drug. Before such transfer can be made, however, the manufacturer desirous of making such transfer shall first apply to the Director, Bureau of Narcotics and Dangerous Drugs, in writing for approval to transfer specified quantities of such resulting narcotic drugs to a specified transferee or transferees. No transfer is authorized unless the Director approves such transfer in writing in advance thereof.

(2) By shipment to the narcotic Regional Director as excess and undesired narcotic drugs pursuant to 26 CFR 151.474; or

(3) By destruction in the presence of a representative of the Bureau of Narcotics and Dangerous Drugs authorized by the Director, Bureau of Narcotics and Dangerous Drugs, to witness such destruction.

(d) Any incidentally but necessarily resulting narcotic drug within the meaning of paragraph (a) or (b) of this section which is not a basic class of narcotic drug, may be disposed of in one of the following ways only:

(1) By shipment to the narcotic Regional Director as excess and undesired narcotic drugs pursuant to 26 CFR 151.474; or

(2) By destruction in the presence of a representative of the Bureau of Narcotics and Dangerous Drugs, authorized by the Director, Bureau of Narcotics and Dangerous Drugs, to witness such destruction.

(e) A manufacturer may retain a resulting narcotic drug within the meaning of paragraph (a) or (b) of this section only for such period of time as is reasonably necessary for him to make disposition of such drug in the manner provided in this section.

Manufacture of Narcotic Precursors

§ 307.141 Narcotic precursors.

(a) *Definition of "narcotic precursor."* The term "narcotic precursor" means a

substance other than a narcotic drug which the Director has found to be

(1) An immediate chemical precursor of a narcotic drug;

(2) Produced primarily for use in the manufacture of a narcotic drug; and

(3) Used or likely to be used, in the manufacture of a narcotic drug by persons other than persons licensed under section 8 of the Narcotics Manufacturing Act of 1960, to manufacture such narcotic drug.

Before finding a substance to be a narcotic precursor, the Director shall give due notice in the FEDERAL REGISTER and afford an opportunity for public hearing to interested persons.

(b) *Requirements as to persons engaging in transactions with respect to narcotic precursors.* Any person who is engaged in the manufacture, compounding, packaging, selling, dealing in or giving away of a narcotic precursor, as defined in paragraph (a) of this section, shall:

(1) Maintain records as prescribed in paragraph (d) of this section; and

(2) Prepare and submit an annual report on Bureau Form 193 on or before February 15 of each year.

(c) *Exception to applicability of paragraph (b).* The provisions of paragraph (b) of this section shall not apply to a person manufacturing a narcotic precursor who holds a license to manufacture a basic class of narcotic drug under section 8 of the Narcotics Manufacturing Act of 1960, provided that the narcotic precursor manufactured by such licensee is to be used exclusively by him for the manufacture of the basic class of narcotic drug for which he holds a license.

(d) *Procedure as to maintenance of records and preparation of annual report.* The manufacturer of a substance which has been declared a narcotic precursor shall keep for a period of not less than two years such records as will enable him to supply the Director accurate information as to the quantity of such precursor manufactured or otherwise acquired by him, his dispositions thereof, the names and addresses of the persons to whom supplied, the quantity supplied to each and the use for which intended. The annual report on Form 193 shall include a summary of this information for the calendar year.

IMPORTATION OF NARCOTIC DRUGS

§ 307.151 Importation of narcotic drugs for scientific purposes.

(a) *Exemption for scientific purposes.* Notwithstanding the provisions of § 302.1 of this chapter, the Director of Narcotics and Dangerous Drugs may issue a formal permit to certain classes of persons desiring to import any narcotic drug or drugs (including crude opium and coca leaves) for scientific purposes only.

(b) *Application for import permit.* Application for a permit to import shall be made to the Director on Bureau Form 191. The applicant for such import permit shall also prepare and submit to the Director, Bureau Form 185 (Drug Identification Sheet), where the substance to be imported is a narcotic drug not described in the standard reference works on drugs and chemicals.

(c) *Limitation on authorization to import.* Imports under this section will be limited to narcotic drugs not readily available to the applicant from sources within the United States, unless questions of origin, types or particular methods of production are elements of the research objectives. Each importation desired must be separately applied for and be covered by a separate import permit. Applicants for import permits licensed under section 8 of the Narcotics Manufacturing Act of 1960, who as part of their manufacturing business maintain branch or subsidiary manufacturing establishments in foreign countries, or are themselves a branch or subsidiary of a foreign parent organization, may be issued import permits for occasional imports of samples of the products of these foreign branches, subsidiaries or parent organizations for the purpose of research or spot check analyses to establish or maintain proper chemical and therapeutical standards of their products. However, an applicant will not be granted import permits to make continuous or regular imports of samples of recurring batches or lots of the same product for routine factory controls.

(d) *Disposition.* All drugs imported under this section shall be used in research or otherwise disposed of as authorized by the Director, within 5 years from the date of their import, unless an extension of time for completion of the research has been granted by the Director.

(e) *Reports.* Persons importing narcotic drugs under this section shall render to the Director semiannual reports on Bureau Form 192, as of June 30 and December 31 of each year, to be submitted not later than the 15th of the month following, accounting for the importation and use or other disposition of the narcotic drug or drugs so imported.

PART 308—[Reserved]

PART 315—ENFORCEMENT OF THE DRUG ABUSE CONTROL AMENDMENTS OF 1965 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Sec.

315.1 General regulation.

315.2 Presentation of views under section 305 of the act.

§ 315.1 General regulation.

(a) The provisions of regulations promulgated under the act with respect to the doing of any act shall be applicable also to the causing of such act to be done.

(b) The definitions and interpretations of terms contained in section 201 of the act shall be applicable also to such terms when used in regulations promulgated under the act.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371; Reorg. Plan No. 1 of 1968 33 F.R. 5611)

§ 315.2 Presentation of views under section 305 of the act.

(a) Presentation of views under section 305 of the act shall be private and informal. These views presented shall be confined to matters relevant to the contemplated proceeding. Such views may be presented by letter or in person by the person to whom the notice was given, or by his representative.

(b) Upon request, seasonably made, by the person to whom a notice appointing a time and place for the presentation of views under section 305 of the act has been given, or his representative, such time or place or both such time and place, may be changed if the request states reasonable grounds thereof. Such request shall be addressed to the office of the Bureau of Narcotics and Dangerous Drugs which issued the notice.

(Sec. 305, 52 Stat. 1045, as amended; 21 U.S.C. 335 and Reorg. Plan No. 1 of 1968)

PART 316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subparts A–E—[Reserved]

Subpart F—Public Hearings

Sec.

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AUTHORITY: The provisions of this Subpart F issued under sec. 3(a)(2), 74 Stat. 374; 15 U.S.C. 1262 and Reorganization Plan No. 1 of 1968 (33 F.R. 5611).

Subparts A–E—[Reserved]

Subpart F—Public Hearings

§ 316.48 Purpose of holding public hearings.

Procedure for the issuance, amendment, or repeal of regulations under sections 201(v) (2)(C) and (3) (procedure for listing habit-forming drugs and drugs having a potential for abuse), and 502(d) (habit-forming drugs) of the Federal Food, Drug, and Cosmetic Act, is described in section 701(e)(1) of the Federal Food, Drug, and Cosmetic Act. Public hearings contemplated by this Subpart F arise only through the rulemaking provisions cited and will be granted only where adverse effect and/or reasonable grounds can be shown. Hearings will be limited to the issues raised by the objections filed within the statutory time limits, or extended as specified in order of the Director.

RULES OF PRACTICE AND PROCEDURE FOR FILING PROPOSALS, PETITIONS, OBJECTIONS, AND HOLDING PUBLIC HEARING UNDER SECTION 701 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT WITH RESPECT TO DRUG ABUSE CONTROL AMENDMENTS OF 1965

GENERAL INFORMATION

§ 316.51 Scope of rules.

The sections in this Subpart F govern the practice and procedures in proceedings and hearings conducted pursuant to section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, et seq., as amended; 21 U.S.C. 301–392).

§ 316.52 Definitions.

As used in this Subpart F the following terms shall have the meanings specified:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(b) The term "Department" means the Department of Justice.

(c) The term "Attorney General" means the Attorney General of the United States, and any officer, employee or agency of the Department of Justice duly authorized by the Attorney General (directly or indirectly by means of one or more redelegations of authority) to act in his stead.

(d) The term "Director" means the Director of the Bureau of Narcotics and Dangerous Drugs.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "presiding officer" means the Director or a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U.S.C. 1001 et seq.).

(g) The term "Hearing Clerk" means the hearing clerk of the Department.

(h) The term "FEDERAL REGISTER" means the publication provided for by the Federal Register Act of July 26, 1935, and acts supplementary thereto and amendatory thereof (44 U.S.C. 301–314).

(i) The term "proceeding" means any action taken pursuant to section 701(e)(1) of the act for the issuance, amendment, or repeal of any regulation issued pursuant to sections 201(v) (2)(C) and (3), and 502(d).

(j) The term "hearing" means any hearing held pursuant to section 701(e)(3) of the act.

(k) Any term not defined in this section shall have the definition set forth in section 201 of the act.

§ 316.53 Filing; address; hours; papers to be filed.

Documents required or permitted to be filed in, and correspondence relating to, proceedings governed by the regulations in this Subpart F shall be filed with the Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Room 613, 633 Indiana Avenue, Washington, D.C. 20537. This Office is open Monday through Friday from 8:30 a.m. to 5 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays.

§ 316.54 Inspection of records.

Subject to the provisions of law restricting public disclosure of information, all documents filed in the docket in any proceeding may be inspected and copied in the office of the Hearing Clerk.

§ 316.55 Information; special instructions.

Information regarding procedure under these rules and instructions supplementing these rules in special instances will be furnished on application to the Hearing Clerk.

§ 316.56 Use of gender and number.

Words importing the singular number may extend and be applied to the plural. Words importing the masculine gender may be applied to the feminine gender.

§ 316.57 Waiver, suspension, amendment of rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this Subpart F, by announcement at the hearing or by notice in advance of the hearing, if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

APPEARANCE, PRACTICE, AND BURDEN OR PROOF

§ 316.58 Appearance.

Any interested person may appear in person or by or with counsel or other duly qualified representative in any proceeding or hearing and may be heard with respect to matters relevant to the issues under consideration.

§ 316.59 Authority for representation.

Any individual acting in a representative capacity in any proceeding may be required by the Director or the presiding officer to show his authority to act in such capacity.

§ 316.60 Written appearance.

Any interested person desiring to appear at any hearing or prehearing conference shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance as specified in § 316.64 setting forth his name, address, and interest. If any interested person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. The written notice of appearance shall conform to the form set forth in § 316.64. Any person or representative shall state with particularity in the notice of appearance his interest in the proceeding and shall set forth the objection or issue concerning which such person desires to be heard.

§ 316.61 Practice defined.

Practice before the Director shall comprehend all matters connected with any proceeding or hearing conducted pursuant to section 701 of the act (21 U.S.C. 371).

§ 316.62 Conduct at hearings.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, continued use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct at any hearing before the Director or a presiding officer, shall constitute grounds for immediate exclusion from the hearing.

§ 316.63 Burden of proof.

(a) At any hearing held as provided in section 701 of the act, the originator

of the proposal or petition for the issuance, amendment, or repeal of any regulation contemplated under section 701(e)(1) of the act, shall be, within the meaning of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)), the proponent of the rule or order, and accordingly shall have the burden of proof.

(b) Any adversely affected person filing an objection pursuant to section 701(e)(2) of the act, which objection proposes the substitution of a new provision for that provision objected to, shall have the burden of proof in relation to the new provision so proposed.

§ 316.64 Form of written appearance.

DEPARTMENT OF JUSTICE

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

In the matter of:
(Identify the matter in which the appearance is being filed, as set forth in the notice of hearing.)

Docket No. ------ written appearance. Pursuant to the provisions of § 316.60 of the regulations governing the procedure in the referenced matter, please enter the appearance of the undersigned,

---
(Name. Please type or print)

(Street address)

(City and State)

appearing in behalf of,

(Name)

(Street address)

(City and State)

(A) (Give a specific statement of the interest of the undersigned in the proceeding.)

(B) (Set forth the specific objection or issue concerning which the undersigned desires to be heard.)

All notices to be sent pursuant to this appearance should be addressed to:

(Name)

(Street address)

(City and State)

(Signature of principal)

(Signature of authorized counsel or representative)

FILING PETITIONS, PUBLICATION OF PROPOSALS AND PETITIONS, FILING OBJECTIONS AND REQUESTS FOR HEARINGS

§ 316.65 Procedure for filing petitions.

(a) Petitions for the issuance, amendment, or repeal of any regulation subject to the provisions of section 701(e) of the act shall be submitted in quintuplicate to the Director. If any part of the material submitted is in a foreign language it shall be accompanied by an accurate and complete English translation. The petition shall state the petitioner's mailing address to which a copy of the notice contemplated by section 701(e)(2) of the act may be sent.

(b) Petitions shall include the following data and be submitted in the following form:

(Date)

DIRECTOR BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
Post Office Box 2079,
South Eads Street Station,
Arlington, Va. 22202.

DEAR SIR: The undersigned ----------, submits this petition pursuant to section 701(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act with respect to the issuance (amendment or repeal) of a regulation under ---------- (the blank to be filled in with the appropriate section of the Federal Food, Drug, and Cosmetic Act: Sections 201(v)(2), 502(d).

Attached hereto, in quintuplicate and constituting a part of this petition, are the following:

(A) The proposed regulation in the form proposed by the petitioner.

(B) A statement of the grounds upon which the petitioner relies for the issuance (amendment or repeal) of the regulation. (Such grounds shall include a reasonably precise statement of the facts relied upon by the petitioner. If it appears that reasonable grounds for the action proposed are not stated in the petition, the petition will be denied.)

(C) If the petition seeks the amendment or repeal of an existing regulation, a reference to the section of Title 21, Chapter II of the Code of Federal Regulations where it appears.

Very truly yours,

(Petitioner)
Per ----------

(Indicate authority)
Mail address ----------

This petition must be signed by the petitioner or by his attorney or authorized representative, or (if a corporation) by an authorized official.

All petitions shall be submitted in quintuplicate. A single copy will not be accepted for filing.

(c) The Director shall notify the petitioner promptly after its receipt of acceptance or nonacceptance of a petition, and if not accepted the reason therefor. A petition shall not be accepted for filing if any of the data prescribed in paragraph (b) of this section are lacking or are not set forth so as to be readily understood. If petitioner desires, he may supplement a deficient petition after notification of deficiency. The proposal contained in any petition filed with the Director for the issuance, amendment, or repeal of any regulation subject to the provisions of section 701(e) of the act, and any proposal initiated by the Director under section 701(e)(1)(A) shall be published in the FEDERAL REGISTER as provided in § 316.66.

§ 316.66 Proposals and petitions.

(a) The Director, under the authority delegated to him by the Attorney General (28 CFR 0.200), on his own initiative or upon petition filed with him by any interested person stating reasonable grounds therefor, shall publish in the FEDERAL REGISTER any proposal or petition to issue, amend, or repeal any regulation contemplated under the following sections of the act: Sections 201(v)(2)(C) and (3), and 502(d).

(b) Such published notice will provide for a time period of not less than 30 days within which all interested persons may present their views and comments thereon in writing.

(c) As soon as practicable after the expiration of the time for filing views and comments the Director shall publish in the FEDERAL REGISTER his order acting upon such proposal or petition. Except as provided in § 316.67, this order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under this section.

§ 316.67 Objections to the Director's order and requests for hearings.

(a) On or before the 30th day after the date of the publication of the Director's order in the FEDERAL REGISTER as specified in § 316.66(c), any person who will be adversely affected by such order, if placed in effect, may submit objections thereto to the Director and request a public hearing on the stated objections.

(b) These objections shall be accepted for filing only when they comply with all the following provisions:

(1) Objections shall be received by the Hearing Clerk if postmarked on or before the 30th day after the date of publication of the Director's order in the FEDERAL REGISTER.

(2) Each objection to a provision of the Director's order shall be separately numbered.

(3) Objections must establish that the objector will be adversely affected by the order.

(4) Objections must specify with particularity the provisions of the order to which objection is taken.

(5) Objections must be supported by reasonable grounds which, if true, are adequate to justify the relief sought.

(c) If the statement of objections is not accepted for filing because of failure to comply with paragraph (b) of this section, the Director shall so inform the objector and state the reasons for refusing to file the objections.

(d) If objections to the Director's order issued pursuant to a petition are filed by a person other than the petitioner, the Bureau of Narcotics and Dangerous Drugs shall mail a copy of the objections to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt of the objections to make written reply.

(e) As soon as practicable after the time for filing objections has expired, the Director shall publish a notice in the FEDERAL REGISTER specifying those parts of the order that have been stayed by the filing of objections or, if no objections have been filed, stating that fact.

PUBLIC HEARINGS AND NOTICE THEREOF

§ 316.68 Hearings under section 701(e) of the act.

(a) Under the authority delegated to him by the Attorney General (28 CFR 0.201), the Director on his own initiative

or upon a petition of any interested person adversely affected stating reasonable ground therefor, shall hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by objections filed pursuant to § 316.67 to any proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the act: Sections 201(v) (2)(C) and (3), 502(d).

(b) Concurrently, with the action taken pursuant to § 316.67, if a proceeding is stayed by the filing of objections, and a public hearing is requested, the Director shall cause to be published in the FEDERAL REGISTER a notice reciting the receipt of objections, those parts of the order that have been stayed by the filing of objections, and announcing that a public hearing will be held to receive evidence on the issues raised by such objections.

§ 316.69 Notice of hearing.

(a) As soon as practicable after a request for a public hearing has been filed, the Director shall cause to be published in the FEDERAL REGISTER a notice of hearing.

(b) The notice of hearing shall set forth the following information:

(1) A statement of the provisions of the order to which objections have been filed, and a summary of the objections.

(2) A statement of the issues raised by the objections.

(3) The designation of the presiding officer to conduct the hearing.

(4) The place where the hearing will be held.

(5) The time within which written appearances must be filed.

(6) The time (not earlier than 30 days after the date of publication of the notice of hearing in the FEDERAL REGISTER) when the hearing will commence.

§ 316.70 Time and place of hearing.

The hearing will commence at the place and time announced in the notice of hearing, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing.

DESIGNATION, POWERS, RESPONSIBILITIES, AND DUTIES OF PRESIDING OFFICER

§ 316.71 Presiding officer.

A presiding officer shall preside over all hearings held pursuant to section 701 of the act. The presiding officer shall be either the Director or a hearing examiner qualified under section 11 of the Administrative Procedure Act and designated by the Director to conduct the hearing.

§ 316.72 Commencement of functions.

The functions of the presiding officer shall commence upon his designation and terminate upon the certification of the record to the Director.

§ 316.73 Authority of presiding officer.

Hearings shall be conducted in an informal but orderly manner in accordance with this Subpart F and the requirements of the Administrative Procedure Act, and where such sections or the Administrative Procedure Act are inapplicable or incomplete, in accordance with the directions of the presiding officer. The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings and prehearing conferences, and, upon proper notice to change the date, time, and place of hearings and prehearing conferences previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Regulate the course of the hearing and the conduct of counsel therein.

(f) Examine witnesses and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Fix the time for filing motions, petitions, briefs, findings, or other items in matters pending before him.

(i) Rule on motions and other procedural items pending before him.

(j) Take any action permitted to the presiding officer as authorized by this Subpart F or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

PREHEARING AND OTHER CONFERENCES

§ 316.74 Prehearing conference.

The presiding officer on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference for:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admission of facts, and documents.

(c) The possibility of limitation of the number of expert witnesses.

(d) The identification, and if practicable, the scheduling of witnesses to be called.

(e) The advance submission at the prehearing conference of all documentary evidence in quintuplicate to be marked for identification. (When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts thereof, adequately identified, and shall supply copies of such excerpts together with the original document to the presiding officer for examination and study by all other parties and for use by opposing counsel for purpose of cross-examination.)

(f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 316.75 Exclusion of witnesses and documentary evidence.

The failure to identify witnesses and submit documentary evidence at the prehearing conference in accordance with the requirements of § 316.74 of this Subpart F may result in the testimony or documents not being heard or received in evidence, in the absence of a showing that the offering party had good cause for the failure to produce the documents or identify the witnesses.

§ 316.76 Prehearing order.

The presiding officer may have the prehearing conference reported verbatim and shall make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and a statement of the issues for hearing. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

§ 316.77 Other conferences.

The presiding officer may also direct all parties and their representatives to appear at conferences at any reasonable time during the hearing, with a view to simplification, clarification, or shortening of the hearing.

HEARING PROCEDURES

§ 316.78 Statements of position.

The presiding officer may require parties to exchange written statements of position, with copies to all other parties, prior to the beginning of a hearing. These statements should include a showing of the theory of the party submitting this statement and will not be subject to cross-examination.

§ 316.79 Evidentiary purpose of hearing.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues, in the proceeding. Argument will not be received into evidence; rather, it should be presented in opening or closing statements of counsel, memoranda, or briefs, as determined by the presiding officer.

§ 316.80 Submission of documentary evidence and identification of witnesses subsequent to prehearing conference.

(a) All documentary evidence not submitted at the prehearing conference shall be submitted to the presiding officer as soon as possible, with a showing that the offering party had good cause for failing to produce the documents at the prehearing conference. If the presiding officer determines that good cause does exist, the documents shall be submitted to the parties sufficiently in advance of the offer of such documents for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The authenticity of all published documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with this section, except that a party will be permitted to challenge such authenticity at a later time upon a showing of good cause for failure to have filed such written objection.

(c) Any witness identification not submitted at the prehearing conference shall be submitted to the presiding officer as soon as available, with a showing that the offering party had good cause for failing to produce the identification at the prehearing conference. If the presiding officer determines that good cause does exist, the identification shall be submitted to the parties to the hearing as soon as possible.

§ 316.81 Submission and receipt of evidence.

(a) *Witnesses.* The presiding officer may direct that summaries of the direct testimony of witnesses be prepared in writing and served in advance of the hearing. If so directed, such summaries shall be served on all parties, a copy to the presiding officer as directed. Witnesses will not be permitted to read summaries of their testimony into the record and all witnesses shall be available for cross-examination. Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) *Scope of testimony.* When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) *Evidence.* The presiding officer shall admit only evidence that is relevant, material, reliable, and not unduly repetitious.

(d) *Opinion testimony.* Opinion testimony shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) *Documents to be filed.* The presiding officer shall file as exhibits copies of the following documents:

(1) The proposal to issue, amend, or repeal a regulation as published in the FEDERAL REGISTER, described in § 316.66(a).

(2) The order of the Director as published in the FEDERAL REGISTER, described in § 316.66(c).

(3) The notice of receipt of objections as published in the FEDERAL REGISTER, described in § 316.67(e).

(4) The notice of public hearing as published in the FEDERAL REGISTER, described in § 316.69

(5) The prehearing order, if any, as described in § 316.76.

(6) Any other document necessary to show the basis for the hearing.

§ 316.82 Inspection of documents.

All documents constituting the record bearing on the matter or matters in controversy, and not entitled to protection under section 301(j) of the act, accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the hearing clerk.

§ 316.83 Objections.

If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer or proof as has been made.

§ 316.84 Affidavits.

Upon a showing of their relevancy, materiality, and competency, affidavits may be marked as exhibits at the prehearing conference. Every interested person shall be permitted to examine all affidavits that have been so filed and to file counteraffidavits with the presiding officer, within a period of time to be fixed by the presiding officer, not more than 15 days following the close of the hearing. Subject to the provisions of section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006), these affidavits may be admitted into evidence. If so admitted, the Director and presiding officer will consider the lack of opportunity for cross-examination in determining the weight to be attached to statements made in the form of affidavits.

§ 316.85 Samples.

Samples may be displayed at the hearing and may be described for purposes of the record, but shall not be admitted in evidence as exhibits.

§ 316.86 Exceptions to rulings.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action that he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

§ 316.87 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded opportunity to show the contrary.

§ 316.88 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 316.89 Appeal from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the Director prior to his consideration of the entire proceeding, except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the Director within such period that the presiding officer directs. No oral argument will be heard unless the Director directs otherwise.

THE RECORD

§ 316.90 Official transcript; indexing of record.

(a) *Official transcript.* Testimony given at a public hearing shall be reported verbatim. The Department will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the transcript of the testimony and exhibits taken at the hearing or of any part thereof shall be entitled to the same upon application to the official reporter and upon payment of the costs thereof.

(b) *Indexing of record.* (1) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly presentation of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(2) The index should include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index should also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 316.91 Exhibits.

All written statements, charts, tabulations, reports, documents, and similar data offered in evidence at the hearing shall be marked for identification, and upon a showing satisfactory to the presiding officer of the authenticity, relevancy, materiality, and reliability, shall be received in evidence, subject to section 7(c) of the Administrative Procedure Act (5 U.S.C. 1006(c)). Exhibits shall be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion in determining whether the exhibit will be read in evidence or whether additional copies will be required to be submitted within a time to be specified by the presiding officer. Where relevant and material matter offered into evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter will be excluded and will be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 316.92 Record of the hearing.

The record of the hearing will include the transcript of the testimony, including any exhibits, together with any written arguments, briefs, or memoranda of law filed with the presiding officer. As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the hearing clerk.

§ 316.93 Correction of record.

At the close of the hearing, the presiding officer shall afford witnesses and their counsel time (not longer than 30 days, except in unusual cases) in which to submit written proposed corrections of the transcript, pointing out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony.

§ 316.94 Record for decision.

The transcript of testimony and exhibits together with any written arguments that may have been filed in the proceeding, including rulings, shall constitute the exclusive record for decision.

BRIEFS, REQUESTS FOR FINDINGS, DECISIONS, EXCEPTIONS, ORAL ARGUMENT: FINAL ORDER

§ 316.95 Briefs.

The time for filing briefs and reply briefs (if permitted) with the presiding officer shall be fixed by him. The person submitting a brief shall file five copies with the hearing clerk. Briefs shall include a statement of position on each issue as supported by the evidence of record, together with specific and complete citations of the pages of the transcript and exhibits, together with citations of authorities relied upon. Briefs shall contain proposed findings of fact and conclusions of law when requested by the presiding officer.

§ 316.96 Decisions.

As soon as practicable after the time for filing of briefs has expired, the presiding officer shall prepare a report and shall certify the record together with his report to the Director.

§ 316.97 Tentative order.

(a) As soon as practicable thereafter the Director shall prepare and cause to be published in the FEDERAL REGISTER his tentative order, including detailed findings of fact and conclusions upon which it is based.

(b) The tentative order shall specify a reasonable time (ordinarily not to exceed 60 days), within which any party of record may file exceptions to the proposed order. The exceptions shall point out with particularity the alleged errors in said order and shall contain a specific reference to the pages of the transcript of the testimony or to exhibits on which exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof and if oral argument on the exceptions is desired, such a request shall be made with the exceptions. The Director will grant or deny oral argument in his discretion.

§ 316.98 Final order.

As soon as practicable after the time for filing exceptions has passed, the Director shall cause to be published in the FEDERAL REGISTER his final order in the proceeding, which shall set forth detailed findings of fact and conclusions upon which the order is based. This order shall specify the date on which it shall take effect. (Sec. 701(e)(3), Federal Food, Drug, and Cosmetic Act.)

JUDICIAL REVIEW

§ 316.101 Copies of petitions for judicial review.

The Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice has been designated as the officer upon whom copies of petitions for judicial review, filed pursuant to section 701(f)(1) of the act, shall be served. Such officer shall be responsible for filing in the court the record of the proceedings on which the final order is based. The record of the proceeding shall be certified by the Director.

JUDICIAL STANDARDS OF PRACTICE

§ 316.102 Conduct.

Parties and their representatives appearing in hearings held pursuant to section 701 of the act, whether or not members of the bar, are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party should use his best efforts to restrain his client from improprieties in connection with proceeding.

§ 316.104 Ex parte communications.

If any official of the Bureau of Narcotics and Dangerous Drugs is contacted by any individual in private or public life concerning any matter which is the subject of a public hearing, the official who is contacted shall prepare a memorandum setting forth the substance of the conversation and shall file this memorandum in the appropriate public docket file.

PART 319—HABIT-FORMING DRUGS

§ 319.1 Habit-forming drugs which are chemical derivatives of barbituric acid, a substance specified in section 502(d) of the Federal Food, Drug, and Cosmetic Act.

Each of the following substances is a derivative of barbituric acid, a chemical derivative of a substance named in section 502(d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit-forming:

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts [1]
5-Allyl-5-cyclopentenylbarbituric acid		Cyclopal. Cyclopen.
5-Allyl-5-isobutylbarbituric acid	Allylbarbituric acid Allylisobutylbarbituric acid.	Sandoptal.
5-Allyl-5-isopropylbarbituric acid	Aprobarbital Allylisopropylbarbituric acid. Allylisopropylmalonylurea.	Alurate. Numal.
5-Allyl-5-isopropyl-1-methylbarbituric acid		Narconumal.
5-(2-Bromoallyl)-5-isopropyl-1-methylbarbituric acid.		Eunarcon.
5-(2-Bromoallyl)-5-(1-methylbutyl)-barbituric acid.	β-Bromoallyl *sec*-amylbarbituric acid.	Sigmodal. Rectidon. R239.
5-*sec*-Butyl-5-(2-bromoallyl)-barbituric acid	Butallylonal	Pernoston. Pernocton.
5,5-Diallylbarbituric acid	Diallyl barbituric acid	Dial. Allobarbital. Allobarbitone. Curral. Diadol.
5,5-Diethylbarbituric acid	Barbital Barbitone. Diethylbarbituric acid. Diethylmalonylurea.	Deba. Dormonal. Hypnogene. Malonal. Medinal. Sedeval. Veronal. Uronal. Vesperal.
1,5-Dimethyl-5-(1-cyclohexenyl)-barbituric acid	Hexobarbital sodium	Cyclonal Sodium. Dorico Soluble. Evipal Sodium. Evipan Sodium. Hexanastab. Hexobarbitone Sodium. Methenexyl Sodium.
5,5-Dipropylbarbituric acid	Dipropylbarbituric acid	Proponal.
5-Ethyl-5-butylbarbituric acid	Butethal Butobarbital.	Etoval. Neonal Butobarbital. Soneryl.
5-Ethyl-5-*sec*-butylbarbituric acid	Butabarbital sodium	Butisol Sodium.
5-Ethyl-5-(1-cyclohexenyl)-barbituric acid	Cyclobarbital	Cyclobarbitone. Namuron. Palinum. Phanodorm. Phanodorn. Tetrahydrophenobarbital.
5-Ethyl-5-cyclopentenyl-barbituric acid		Pentenal.
5-Ethyl-5-hexylbarituric acid	Hexethal sodium	Hebaral. Ortal Sodium
5-Ethyl-5-isoamylbarbituric acid	Amobarbital	Amytal.

See footnotes at end of table.

PARENT SUBSTANCE—BARBITURIC ACID—Continued

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts [1]
5-Ethyl-5-isopropylbarituric acid	Proharhital	Ipral.
5-Ethyl-5-(1-methylhutyl)-harhituric acid	Pentoharhital sodium	844.
	Soluble pentoharhital.	Emhutal.
		Nembutal.
		Napethal.
		Pentyl.
5-Ethyl-5-(1-methylbutyl)-2-thiobarbituric acid	Thiopental sodium	Intraval Sodium.
	Thiopentone sodium.	Nesdonal Sodium.
		Pentothal Sodium.
		Thiothal Sodium.
5-Ethyl-5-(1-methyl-1-hutenyl)-harbituric acid	Vinbarbital	Delvinal Sodium.
5-Ethyl-5-phenylbarhituric acid	Phenobarbital	Barhenyl.
	Phenobarbitone.	Barbiphenyl.
	Phenylethylmalonylurea.	Dormiral.
		Euneryl.
		Gardenal.
		Luminal.
		Nunol.
		Neuroharh.
		Phenonyl.
		Somonal.
5-Ethyl-5-phenyl-1-methylbarbituric acid	Mephorbarbital	Meharal.
		Phemitone.
		Prominal.
5-Ethyl-5-(1-piperidyl)-barbituric acid		Eldoral.
5-Isopropyl-5-(2-hromoallyl)-harhituric acid	Propallylonal	Noctal.
		Nostal.
5-Methyl-5-phenylbarbituric acid	Phenylmethylbarhituric acid	Rutonal.
All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of harhituric acid.		
Sodium-5-allyl-5-(1-methylhutyl)-harbiturate	Secobarhital sodium	Seconal Sodium.
	Soluhle secobarhital.	Evronal Sodium
All salts of the foregoing chemical derivatives formed hy replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical.		

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distrihuted.

(Sec. 502, 52 Stat. 1050, as amended; 21 U.S.C. 352)

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Sec.

AUTHORITY: The provisions of this Part 320 issued under secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371, and Reorg. Plan No. 1 of 1968 (33 F.R. 5611).

§ 320.1 Definitions and interpretations.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U.S.C. 301–392).

(b) "Department" means the Department of Justice.

(c) "Attorney General" means the Attorney General of the United States, and any officer, employee or agency of the Department of Justice duly authorized by the Attorney General (directly or indirectly by means of one or more redelegations of authority) to act in his stead.

(d) "Director" means the Director of the Bureau of Narcotics and Dangerous Drugs.

(e) "Person" includes individuals, partnerships, corporations, and associations.

(f) The Bureau of Narcotics and Dangerous Drugs is the organizational unit established within the Department of Justice charged with the administration of the Drug Abuse Control Amendments of 1965 (Public Law 89–74, 79 Stat. 226 et seq.).

(g) The term "depressant or stimulant drug" means any drug which contains any quantity of:

(1) Barbituric acid or any of the salts of barbituric acid.

(2) Any derivative of barbituric acid which has been designated by the Director under section 502(d) of the act as habit-forming.

(3) Amphetamine or any of its optical isomers.

(4) Any salt of amphetamine or any salt of an optical isomer of amphetamine.

(5) Any substance which the Director, after investigation, has found to be, and by regulation designated as, habit-forming because of its stimulant effect on the central nervous system.

(6) Any substance which the Director, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(h) The terms "manufacture, compounding, or processing of a drug", "manufacturing, compounding, or processing of a depressant or stimulant drugs", and "manufacture, compound, or process any depressant or stimulant drug" as used in sections 301(q)(1), 304(a)(2)(D), and 511(a) of the act mean the manufacture, preparation, propagation, compounding, or processing of a drug by chemical, physical, biological, or by any other means, including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The terms include labeling, relabeling, repackaging, or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(i) The term "wholesaling, jobbing, or distributing of depressant or stimulant drugs" covers any system of selling or distributing of any depressant or stimulant drug to any person who is not the ultimate user or consumer of the drug. Wholesalers include jobbers and medical supply houses who may not be required to obtain licenses as drug wholesalers under some state laws.

(j) The term "controlled substance" means those drugs or substances designated under section 201(v) of the act and the regulations thereunder as subject to the Drug Abuse Control Amendments of 1965 (Public Law 89–74, 79 Stat. 226 et seq.), and includes such substances in bulk, in finished form, semiprocessed form, in finished packages, and preparations containing any amounts of such substance.

§ 320.2 Criteria applicable to terms used or defined in § 320.1.

(a) In determining whether a drug has a "stimulant effect" on the central nervous system, the Director will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) Extended wakefulness.

(2) Elation, exhilaration, or euphoria (exaggerated sense of well-being).

(3) Alleviation of fatigue.

(4) Insomnia, irritability, or agitation.

(5) Apprehension or anxiety.

(6) Flight of ideas, loquacity, hypomania, or transient deliria.

(b) In determining whether a drug has a "depressant effect" on the central nervous system, the Director will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) Calming effect or relief of emotional tension or anxiety.

(2) Drowsiness, sedation, sleep, stupor, coma, or general anesthesia.

(3) Increase of pain threshold.
(4) Mood depression or apathy.
(5) Disorientation, confusion, or loss of mental acuity.

(c) In determining whether a drug is "habit forming", the Director will consider, among other relevant factors, whether there is substantial evidence that the drug may produce any of the following:

(1) A psychological or physical dependence on the drug (compulsive use).
(2) Euphoria (exaggerated sense of well-being).
(3) Personality changes.
(4) Transient psychoses, deliria, twilight state, or hallucinoses.
(5) Chronic brain syndrome.
(6) Increased tolerance or a need or desire to increase the drug dosage.
(7) Physical dependence or a psychic dependence evidenced by a desire to continue taking the drug for the sense of improved well-being that it engenders.
(8) Pharmacological activity similar or identical to that of drugs previously designated as habit forming.

(d) In determining whether a drug has a "hallucinogenic effect", the Director will consider, among other relevant factors, whether there is substantial evidence that it may produce hallucinations, illusions, delusions, or alteration of any of the following:

(1) Orientation with respect to time or place.
(2) Consciousness, as evidenced by confused states, dreamlike revivals of past traumatic events, or childhood memories.
(3) Sensory perception, as evidenced by visual illusions, synesthesia, distortion of space and perspective.
(4) Motor coordination.
(5) Mood and affectivity, as evidenced by anxiety, euphoria, hypomania, ecstasy, autistic withdrawal.
(6) Ideation, as evidenced by flight of ideas, ideas of reference, impairment of concentration and intelligence.
(7) Personality, as evidenced by depersonalization and derealization, impairment of conscience and of acquired social and cultural customs.

(e) The Director may determine that a subtance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:

(1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

(2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

(3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice; or

(4) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

§ 320.3 Listing of drugs defined in section 201(v) of the act.

(a) The Director designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as depressant or stimulant drugs:

(1) Barbituric acid or any salt of barbituric acid.

(2) Derivatives of barbituric acid which have been designated in § 319.1 of this chapter as habit forming pursuant to section 502(d) of the act.

(3) Dextroamphetamine, levoamphetamine, or amphetamine (racemic) or any salt of dextroamphetamine, levoamphetamine, or amphetamine (racemic). Amphetamine is known chemically as *d*-, *l*- or *dl*-α-methylphenethylamine. It has been declared by such designations as d-amphetamine, l-amphetamine, or dl-amphetamine followed by the name of the salt. The following is a partial list of amphetamine products:

Established name or other nonproprietary designation	*Some trade or other names*
Amphetamine phosphate	Actemin, Aktedron, Amphate, Biphetamine, Dietamine, Monophos, Profetamine Phosphate, Racephen, Raphetamine Phosphate.
Amphetamine salts or optical isomers of amphetamine salts.	
Amphetamine sulfate	Alentol, Amphoids-S, Benzedrine Sulfate, Linamphet a, Psychoton, Simpamina, Amphedrine Sulfate.
Dextroamphetamine carboxymethylcellulose salt.	
Dextroamphetamine hydrochloride.	
Dextroamphetamine phosphate	Dextro-Profetamine.
Dextroamphetamine sulfate	Adrizine, Am-Dex, D-Amfetasul, Amitrene, Amphedrine, Ampherex, Amphex, Amsustain, D-Ate Ph. 747, Betafedrina, d-Betaphedrine, Cendex Cenules, D-Citramine, Cradex, Dadex, D.A.S., Dexalone, Dexamphetamine, Dexedrine, Dex-OB, Dex-Sule, Dexten, Dextrosule, Diocurb, Domafate, Evrodex, Hetamine, Lowedex, Maxiton, Medex, Nilox, Obesedrin, Obesonil, Pellcaps, Pomadex, Simpamina-D, Sympamin, Tydex, Zamitam Plateau.
Dextroamphetamine tannate	Tamphetamin, Synatan.
Dibasic amphetamine phosphate	Bar-Dex.
Dibasic dextroamphetamine phosphate.	
Levoamphetamine	Ad-Nil, Amphedrine-M, Lavabo, Levamphetamine, Levonor.
Levoamphetamine succinate	Cydril.

(b) The Director has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having potential for abuse and habit-forming because of their stimulant effect on the central nervous system:

Established name	*Some trade and other names*
d-, dl - Methamphetamine and their salts.	*d-, dl*-Desoxyephedrine and their salts.
Phenmetrazine and its salts.	Preludin.

(c) The Director has investigated and designates all drugs, unless exempted by regulations in this part, containing any amount of the following substances as having a potential for abuse because of their:

(1) Depressant effect on the central nervous system:

Established name or other nonproprietary designation	*Some trade and other names*
Chloral betaine	Beta-Chlor.
Chloral hydrate	Chloral.
Chlordiazepoxide and its salts.	Librium.
Chlorhexadol	Lora.
Diazepam	Valium.
Ethchlorvynol	Placidyl.
Ethinamate	Valmid.
Glutethimide	Doriden.
Lysergic acid.	
Lysergic acid amide.	
Meprobamate	Apascil, Atraxin, Biobamat, Calmiren, Cirpon, Cyrpon, Ecuanil, Equanil, Equanil LA, Harmonin, Mepantin, Mepavlon, Meproleaf, Meprosin, Meprospan, Meprotabs, Miltown, Nervonus, Neuramate, Oasil, Pameco, Panediol, Perequil, Perquietil, Pertranquil, Placidon, Probamyl, Quanil, Quilate, Sedabamate, Sedazil, Urbil, Viobamate.

Established name or other nonproprietary designation	*Some trade and other names*
Methyprylon	Noludar.
Paraldehyde	
Petrichloral	Pericior.
Sulfondiethylmethane.	Tetronal.
Sulfonethylmethane.	Trional.
Sulfonmethane	Sulfonal.

(2) Stimulant effect on the central nervous system: [Reserved].

(3) Hallucinogenic effect:

Established name	*Some trade and other names*
Bufotenine and its salts.	3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
DET and its salts	*N,N*-Diethyltryptamine.
DMT	Dimethyltryptamine.
DOM (STP)	4-Methyl-2,5-dimethoxyamphetamine; 4-methyl-2,5-dimethoxy-α-methylphenethylamine and "STP".
Ibogaine and its salts.	7-Ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1′,2′:1,2 azepino (4,5-b) indole; tabernanthe iboga.
LSD-25; LSD	*d*-Lysergic acid diethylamide.
Mescaline and its salts.	
Peyote.	
Psilocybin; psilocibin.	
Psilocyn; psilocin	

The listing of peyote in this subparagraph does not apply to nondrug use in bona fide religious ceremonies of the Native American Church; however, persons supplying the product to the Church are required to register and maintain appropriate records of receipts and disbursements of the article.

NOTE: The provisions of § 320.3(c) as they apply to any drug because it contains any amount of chlordiazepoxide or its salts, or diazepam were stayed, 31 F.R. 7174, May 17, 1966. Meprobamate was similarily stayed, 33 F.R. 3635, Mar. 1, 1968.

§ 320.4 Procedure for the issuance, amendment, or repeal of regulations defining substances as habit forming or as having a potential for abuse.

(a) Under the provisions of section 201(v) (2) and (3) of the act, the Director, under authority delegated to him by the Attorney General (28 CFR 0.200), is authorized to conduct investigations and promulgate regulations for the purpose of:

(1) Designating any drug containing any quantity of any substance as habit forming because of its stimulant effect on the central nervous system; or

(2) Designating any drug containing any quantity of any substance as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(b) Proceedings for the issuance, amendment, or repeal of regulations issued pursuant to section 201(v) of the act are subject to the public procedures provided in section 701(e) of the act and the provisions for judicial review set forth in sections 701 (f) and (g).

(c) The procedures to be followed for filing petitions requesting the issuance, amendment, or repeal of any regulation provided for in section 201(v) (2) and (3) of the act, publication of proposals in the FEDERAL REGISTER, comments thereon, publication of orders, filing objections, requests for a public hearing, procedures governing public hearings, proposed orders, exceptions, final orders, and judicial review are set forth in Part 316 of this chapter.

§ 320.5 Substances exempt from the definition of depressant or stimulant drug.

Any substance now included or which may be hereafter included within the classification stated in section 4731 of the Internal Revenue Code of 1954 (26 U.S.C. 4731) and marihuana as defined in section 4761 of the Internal Revenue Code of 1954 (26 U.S.C. 4761) is not a depressant or stimulant drug as defined in this part.

§ 320.6 Registration of producers and certain wholesalers of depressant or stimulant drugs.

Section 510 of the act requires every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, processing, wholesaling, jobbing, selling, or distributing of any depressant or stimulant drug to register with the Commissioner of Food and Drugs his name, place of business, and all such establishments. The procedure for registration is prescribed in Part 132 of Title 21, Chapter I.

§ 320.7 Procedures for exempting depressant or stimulant drugs from the provisions of section 511 of the act.

(a) Section 511(f)(1) of the act authorizes the Director, under authority delegated to him by the Attorney General to exempt by regulation any depressant or stimulant drug from all or part of section 511 of the act upon a finding that regulation of the manufacture, compounding, processing, possession, or distribution of such drug is not necessary for the protection of the public health.

(b) A proposal to exempt any depressant or stimulant drug from the application of all or part of section 511 of the act may be initiated by the Director or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor. Upon receipt of such a petition, or on his own initiative at any time, the Director will publish a notice of proposed rulemaking and invite written comments. After consideration of all available data, including any comments submitted, the Director may issue a regulation granting or refusing the exemption effective on a date specified therein. Whenever the Director concludes, either at the time of publication of the notice of proposed rulemaking or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. When such a public hearing is called, the procedural regulations for public hearings contained in Part 316 of this chapter shall apply. If the Director for good cause finds; and incorporates the finding and a brief statement of the reasons therefor in an order, that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

§ 320.8 Combination drugs; exemptions from section 511 of the act.

The following combination drugs are exempt from the requirements of section 511 of the act:

(a) The following drugs in unit-dosage form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances, and which may be lawfully sold over-the-counter without a prescription, are exempt from the requirements of section 511 (b), (c), and (e) and the recordkeeping requirements of section 511(d)(1) of the act:

EXEMPTED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl gualacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkotab Elixir	Elixir (5 cc): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl gualacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Breon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl gualacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ⅓ gr.; ephedrine, ⅜ gr.	Whitehall Laboratories.

EXEMPTED OVER-THE-COUNTER DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or suppliers
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories
Tedral Anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine moleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral one-half Strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral Pediatric Suspension	Suspension (5 cc): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 65 mg.	Do.
Tedral suppositories double strength.	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral suppositories regular strength.	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Verequad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Verequad	Suspension (5 cc): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Do.

(b) The following drugs in unit dosage form, and any other drug of the quantitative composition shown below for one of the following drugs or which is the same except that it contains a lesser quantity of controlled substances, and which are restricted by law to dispensing on prescription, are exempt from the requirements of section 511 (c) and (e) and the recordkeeping requirements of section 511(d) (1) of the act:

EXEMPTED PRESCRIPTION DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Haack Laboratories, Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 7½ gr.; magnesium trisilicate, 2½ gr.	Norgine Laboratories, Inc.
Alcitex	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/6000 gr.; calcium carbonate, 3½ gr.; magnesium carbonate, 2½ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algoson	Tablet: Butaharbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories Inc.
Alhydrox	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, 1/300 gr.	Physicians Supply Co.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 500 mg.	P. J. Noyes Co.
Alsical	Powder (60 gr.): Phenobarbital, ¼ gr.; belladonna extract, ⅙ gr.; calcium carbonate, 24 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 300 mg.; belladonna extract, 4 mg.	Haack Laboratories, Inc.
Aludrox SA Suspension	Suspension (5 cc.): Butabarhital, 8 mg.; amhutonium bromide, 2.5 mg.	Wyeth Laboratories.
Aludrox SA Tahlets	Tablet: Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Do.
Alu-Mag	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide gel, dried, 2½ gr.; magnesium trisilicate, 2½ gr.; belladonna leaf extract, ⅛ gr.	Norsal Laboratories, Inc.
Alumazen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/300 gr.	Buffalo Pharmaceutical Supply Corp.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Aminodrox with Phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-Forte with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 250 mg.	Do.
Aminophylline and Amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly and Co.
Aminophylline with pentobarbital.	Suppository: Pentobarbital sodium, 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ¼ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dubin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & Co.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 30 mg.; aminophylline, 200 mg.	Do.
Amobarbital and PETN	Capsule: Amobarbital, 50 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with Butabarbital Sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methyinitrate, 2 mg.	Paul B. Elder Co., Inc.
Ampyrox with Butabarbital Sodium, Elixir.	Elixir (5 cc.): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Amsed (NAP-37)	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0072 mg.; atropine sulfate, 0.024 mg.; hyoscyamine hydrobromide, 0.128 mg.	North American Pharmacal, Inc.
Amsodyne	Tablet: Phenobarbital, ¼ gr.; extract belladonna leaves, ⅛ gr.; aspirin, 5 gr.; caffeine, ¼ gr.	Paul B. Elder Co., Inc.
Antacia No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/300 gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.	Meyers and Co.
Antispasmodic	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 0.567 mg.; hyoscine hydrobromide, 0.0065 mg.	Hydrex Co., Inc.
Antispasmodic-Enzyme	Tablet: Phenobarbital, 8.1 mg.; hyoscyamine sulfate, 0.0519 mg.; homatropine methylbromide, 0.2885 mg.; hyoscine hydrobromide, 0.0033 mg.; pancreatin, 100 mg.; pepsin, 150 mg.	Do.
Antrocol	Tablet or capsule: Phenobarbital, 16 mg.; atropine sulfate, 0.324 mg.; colloidal sulfur, 22 mg.	Wm. P. Poythress & Co., Inc.
Aqualin-Plus, Children	Suppository: Pentobarbital sodium, ⅜ gr.; theophylline, 1⅛ gr.	The Wm. A. Webster Co.
Aqualin-Plus No. 1	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 3¾ gr.	Do.
Aqualin-Plus No. 2	Suppository: Pentobarbital sodium, 1½ gr.; theophylline, 7½ gr.	Do.
Aqualin-Plus No. 2A	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 7½ gr.	Do.
Asmahar	Tablet: Butabarbital, 20 mg.; ephedrine sulfate, 25 mg.; theophylline hydroxide, 130 mg.	The Blue Line Chemical Co.
Asmacol	Tablet: Butabarbital, 15 mg.; aminophylline, 180 mg.; phenylpropanolamine hydrochloride, 25 mg.; chlorpheniramine maleate, 2 mg.; aluminum hydroxide gel, dried, 60 mg.; magnesium trisilicate, 60 mg.	The Vale Chemical Co., Inc.
Asperease, Modified with Phenobarbital.	Tablet: Phenobarbital, 0.008 gm.; acetylsalicylic acid, 0.5 gm.	P. J. Noyes Co.
Atropal	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/300 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Neisler Laboratories, Inc.
Atrosilital	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.5 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Banthine with Phenobarbital	Tablet: Phenobarbital, 15 mg.; methantheline bromide, 50 mg.	G. D. Searle & Co.
Barbatro No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Barbatro No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.25 mg.	Do.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Barbeloid	Tablet: Amobarbital sodium, 20 mg.; hyoscyamine sulfate, 0.125 mg.; byoscine hydrobromide, 0.007 mg.; homatropine metbylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Barbidonna Elixir	Elixir (5 cc.): Pbenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine bydrobromide, 0.0074 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Cbemical Works.
Barbidonna Tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine bydrobromide, 0.0074 mg.	Do.
Barboma Elixir	Elixir (100 cc.): Pbenobarbital, 0.4 gm.; homatropinc metbylbromide, 33.8 mg.	Tbe Blue Line Chemical Co.
Barboma Tablets	Tablet: Phenobarbital, ¼ gr.; bomatropine metbylbromide, ⅛s gr.	Do.
Bardase	Tablet or elixir (4 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; byoscine bydrobromide, 0.007 mg.; atropine, 0.020 mg.; Taka-Diastase, 162.0 mg.	Parke, Davis & Co.
Bar-Don Elixir	Elixir (30 cc.): Pbenobarbital, 100 mg.; hyoscyamine bydrobromide, 0.60 mg.; byoscine bydrobromide, 0.042 mg.; atropine sulfate, 0.12 mg.	Warren-Teed Pbarmaceuticals Inc.
Bar-Don Tablets	Tablet: Pbenobarbital, 16.670 mg.; hyoscyamine bydrobromide, 0.10 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate, 0.020 mg.	Do.
Belap No. 0	Tablet: Pbenobarbital, 8 mg.; belladonna extract, 8 mg.	Haack Laboratories, Inc.
Belap No. 1	Tablet: Pbenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ty-Med	Tablet: Amobarbital, 50 mg.; homatropine metbylbromide, 7.5 mg.	Do.
Belladenal	Tablet: Pbenobarbital, 50 mg.; bellafoline, 0.25 mg.	Sandoz Pbarmaceuticals.
Do	Elixir (15 cc.): Pbenobarbital, 15.6 mg.; bellafoline, 0.078 mg.	Do.
Bellatol Elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.83 cc.	The Zemmer Co.
Bellergal	Tablet: Pbenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandoz Pharmaceuticals.
Do	Tablet: Pbenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Beplete with Belladonna Elixir.	Elixir (4 cc.): Pbenobarbital, 15 mg.; vitamin B_1, 1.5 mg.; vitamin B_2, 1 mg.; vitamin B_6, 0.33 mg.; vitamin B_{12}, 1.66 mg.; niacinamide, 10 mg.; pantotbenol, 0.2 mg.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories.
Bexadonna	Tablet: Pbenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; byoscine hydrobromide, 0.0065 mg.; hyoscyamine sulfate, 0.1 mg.	Bexar Pharmaceuticals.
Bilamide	Tablet: Pbenobarbital, ⅛ gr.; dried ox bile, 2 gr.; debydrocbolic acid, 2 gr.; bomatropine metbylbromide, ⅛s gr.	Norgine Laboratories, Inc.
Binitrin	Tablet: Butabarbital sodium, 15.0 mg.; nitroglycerin, 0.3 mg.; pentaerythritol tetranitrate, 10.0 mg.	Tbe Vale Chemical Co., Inc.
Bloxatpben	Tablet: Pbenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 120 mg.; cerium oxalate, 120 mg.	The Zemmer Co.
Bismnth, belladonna, and pbenobarbital.	Capsule: Pbenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, 1/16 gr.	The Bernard Co.
Buffadyne A-S	Tablet: Amobarbital, 15 mg.; aspirin, 300 mg.; pbenacetin, 150 mg.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum bydroxide gel, 75 mg.; magnesium bydroxide, 45 mg.	Lemmon Pharmacal Co.
Buffadyne with Barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; pbenacetin, 150 mg.; caffeine, 30 mg.; aluminum bydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Do.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Bunesla	Tablet: Butabarbital sodium, 10 mg.; bomatropine metbylbromide, 2.5 mg.; magnesium bydroxide, 300 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital, 15 mg.; phenazopyridine bydrochloridc, 150 mg.; scopolamine bydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; byoscyamine sulfate, 0.1037 mg.	B. F. Ascber & Co., Inc.
Burrizem	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol bexanltrate, 30 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate.	Tablet or ellxir (5 cc.): Butabarbital, 15 mg.; byoscyamine sulfate, 0.125 mg.	Meyer Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.375 mg.	Do.
Butibel	Tablet or elixir (5 cc.): Butabarbital sodium, 15 mg.; helladonna extract, 15 mg. (hyoscyamine sulfate, 0.138 mg.; byoscine hydrobromide, 0.027 mg.; atropine sulfate, 0.067 mg.).	Do.
Butibel R-A	Tablet: Butabarbital sodium, 30 mg.; belladonna extract, 30 mg.	Do.
Butibel-Gel Suspension	Suspension (15 cc.): Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.187 mg.); activated attapulgite, 1.5 gm.; pectin, 75 mg.	Do.
Butibel-Gel Tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.0935 mg.); activated attapulgite, 500 mg.; pectin, 45 mg.	Do.
Butibel-Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (total alkaloids 0.187 mg.); proteolytic enzyme standardized, 10 mg.; amylolytic enzyme standardized, 20 mg.; cellulolytic enzyme standardized, 5 mg.; lipolytic enzyme standardized, 100 mg.; iron ox bile (45% cbolic acid), 30 mg.	Do.
Butizetic	Tablet: Butabarbital sodium, 15 mg.; acetaminopben, 200 mg.; pbenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Pbenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.125 mg.	Sandoz Pharmaceuticals.
Do	Suppository: Pentobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.25 mg.	Do.
Cal-Ma-Phen	Tablet: Pbenobarbital, ¼ gr.; calcium-carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/200 gr.	Pbysicians Supply Co.
Cantil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; mepenzolate bromide, 25 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with Phenobarbital and Atropine.	Tablet: Pbenobarbital, 8 mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 224 mg.; magnesium carbonate, 160 mg.; bismutb subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Pbenobarbital, ¼ gr.; aminophylline, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ½ gr.	Neisler Laboratories, Inc.
Cardilate-P	Tablet: Pbenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarace	Tablet: Pentobarbital, 27.5 mg.; oxtriphylline, 200 mg.; racepbedrine, 20 mg.	Warner-Cbilcott Laboratories.
Co-Elorine 25	Capsule: Amobarbital, 8 mg.; tricyclamol chloride, 25 mg.	Eli Lilly and Co.
Co-Elorine 100	Capsule: Amobarbital, 16 mg.; tricyclamol chloride, 100 mg.	Do.
Cold Preparation, Special	Tablet: Phenobarbital, 8.1 mg.; chlorpbeniramine maleate, 2 mg.; pseudoephedrine bydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmacal Co.
Corenil	Tablet: Racemic metbampbetamine hydro chloride, 1.25 mg.; clistin (carbinoxamine maleate), 2 mg.; belladonna extract, 8 mg.	McNeil Laboratories, Inc.
Covadil	Tablet: Butabarbital sodium, 20 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with Phenobarbital	Tablet: Pbenobarbital, 16 mg.; piperidolate hydrochloride, 50 mg.	Lakeside Laboratories, Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Dainite	Tablet: Pentobarbital sodium, ¼ gr. aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr	Neisler Laboratories, Inc.
Dainite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Night	Tablet: Phenobarbital, ⅜ gr.; pentobarbital sodium, ½ gr.; aminophylline, 4 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Pediatric	Tablet: Phenobarbital, ⅛ gr.; aminophylline, 1 gr.; ephedrine hydrochloride, 1/12 gr.; aluminum hydroxide gel, dried, ½ gr.; benzocaine, ⅛ gr.	Do.
Daricon PB	Tablet: Phenobarbital, 15 mg.; oxyphencyclimine hydrochloride, 5 mg.	Pfizer Laboratories.
Diatraegus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/250 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims	Buffington's, Inc.
Dia-Tropine	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/200 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.
Dilantin with Phenobarbital	Capsule: Phenobarbital, ¼ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¼ gr.; powder extract belladonna, ⅛ gr.	Paul B. Elder Co., Inc.
Donaphen, New Special Donaphen.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0072 mg.; hyoscyamine hydrobromide, 0.128 mg.	Burt Krone Co.
Donna-Sed Elixir	Elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.1037 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnasep	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50.0 mg., methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 6 μg.	Lemmon Pharmacal Co.
Dormitol-HM	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/64 gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with Phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerytbritol tetranitrate, 15 mg.	Key Pharmacal Co.
Edrisal	Tablet: Dextroamphetamine sulfate, 2.5 mg.; aspirin, 0.16 gm.; phenacetin 0.16 gm.	Smith Kline & French Laboratories.
Elmaloin with Phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 1½ gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital.	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ⅜ gr.	The Vale Chemical Co., Inc.
Ephedrine sulfate and phenobarbital.	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.
Ephedrine with Phenobarbital.	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ⅜ gr.	P. J. Noyes Co.
Ercafital	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 50 mg.	The Blue Line Chemical Co.
Ethrava-trate	Tablet: Mephobarbital, 10 mg.; pentaerytbrityl tetranitrate, 20 mg.; etbaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
Eu-Phed-Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals, Inc.
Eu-Phed-Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.12 gm.	Do.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Fensobel	Tablet: Phenobarbital, 8.1 mg.; belladonna extract, 2.95 mg.; aluminum hydrochloride gel, dried, 63 mg.; magnesium trisilicate, 63 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 203.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franoi	Tablet: Phenobarbital, 8 mg.; tbeophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Genegesic Capsules	Capsule: Metbampbetamine hydrocbloride ,1.2 mg.; chlorpheniramine maleate, 3.8 mg.; pbenacetin, 120.0 mg.; salicylamide, 180.0 mg.; caffeine, 30.0 mg.; ascorbic acid, 50.0 mg.	General Pharmaceutical Products, Inc.
Homecbol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 60.0 mg., ox bile extract, 150.0 mg.	Lemmon Pbarmacal Co.
Homadonna	Tablet or elixir (5 cc.): Phenobarbital, 16 mg.; homatropine methylbromide, 2.5 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Cbemical Works.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 300 mg.	Lemmon Pharmacal Co.
Hovizyme	Tablet: Methamphetamine hydrochloride, mg.; conjugated estrogen-equine, 0.125 mg.; methyl testosterone, 1.25 mg.; amylase, 10.0 mg.; protease, 5.0 mg.; cellulase, 2.0 mg.; nicotinyl alcohol tartrate, 7.5 mg.; dehydrocholic acid, 50.0 mg.; ascorbic acid, 50.0 mg.; ferrous fumarate, 6.0 mg.	Ayerst Laboratories.
H-P-A (Modified)	Tablet: Phenobarbital, ¼ gr.; aspirin, 5 gr.; extract hyoscyamus, ⅛ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Tbe S. E. Massengil Co.
Hybephen Elixir	Elixir (5 cc.): Pbenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Do.
Hydrochol Plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.8 mg.; ox bile desiccated, 50 mg.	Paul B. Elder Co., Inc.
Hytrona Antispasmodic Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona Antispasmodic Tablets.	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Do.
Ilocalm	Tablet: Mephobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; *d*-calcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with Phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isufranol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrocbloride, 10 mg.	Winthrop Laboratories.
Isufranol, Mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.
Isuprel Compound Elixir	Elixir (15 cc.): Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; tbeophylline, 45 mg.; potassium lodide, 150 mg.	Do.
Kaphebel	Tablet: Pbenobarbital, ⅛ gr.; belladonna root, ¼ gr.; kaolin colloidal, 7½ gr.	Paul B. Elder Co., Inc.
Kanumodic	Tablet: Pentobarbital, 8 mg.; metbscopolamine nitrate, 2 mg.; celiulase, 9 mg.; pancreatin, 500 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	Dorsey Laboratories.
Kavatrate	Tablet: Phenobarbital sodium, ¼ gr.; veratrum veride, ¼ gr.; mistletoe, ½ gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Kie with Phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide, 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Kiophyllin	Tablet: Pbenobarbital, 15 mg.; aminophyiiin, 150 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Luftodil Suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 50 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Luftodil Tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride; 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound.	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Malgiyn Compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.5 gm.	Brayten Pharmaceutical Co.
Manniphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Manniphen with Rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co.
Medlatric	Tablet or capsule: Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5. mg.	Ayerst Laboratories.
Medlatric Liquid	Solution (15 cc.): Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5. mg.	Do.
Meprane Phenobarbital	Tablet: Phenobarbital, 16 mg.; promethestrol dipropionate, 1 mg.	Reed & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with Butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do.
Mexal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 5 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane GG Elixir	Elixir (5 cc.): Phenobarbital, 5.4 mg.; theophylline, 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do.
Nactisol	Tablet: Butabarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.
Natrona Compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co.
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 250 mg.; bile extract, 15 mg.; homatropine methylbromide, 1.2 mg.	Pitman-Moore.
Nergestic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 mg.; pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nophesan Tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co.
Novalene	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodide, 162 mg.; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Oxsorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.5 mg.; dehydrochloic acid, 32 mg.; desoxycholic acid, 32 mg.; ox bile extract, 65 mg.; sorbitan monooleate, 160 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Paminal Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	The Upjohn Co.
Pamine PB Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, Half Strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric Piptal Antipyretic	Solution (0.6 cc.): Phenobarbital 3 mg.; pipenzolate bromide, 5 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pediatric Piptal with Phenobarbital.	Solution (0.5 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.	Do.
Pencetylon	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythrityl tetranitrate with phenobarbital.	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentatrol with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perbuzem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co.
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott Laboratories.
Do	Tablet: Phenobarbital, 15 mg.; pentaerytbrityl tetranitrate, 20 mg.	Do.
Peritrate with Phenobarbital SA.	Tablet: Phenobarbital, 45 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophylline, 100 mg.	Buffington's, Inc.
Phenaphen Plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; aspirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; pheniramine maleate, 12.5 mg.; phenylephrine hydrochloride, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/500 gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/250 gr.	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Do.
Phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.	Buffington's, Inc.
Phenobarbital & Atropine No. 1.	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.13 mg.	Pitman-Moore.
Phenobarbital & Atropine No. 2.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	Do.
Phenobarbital and Atropine Tablets.	Tablet: Phenobarbital, 8 mg.; atropine sulfate 1/1000 gr.	P. J. Noyes Co
Do	Tablet: Phenobarbital, 16 mg.; atropine sulfate. 1/500 gr.	Do.
Phenobarbital and Atropine Tablets No. 2.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.	Do.
Phenobarbital and Atropine Tablets No. 3.	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/300 gr.	Do.
Phenobarbital and belladonna.	Tablet: Phenobarbital, ¼ gr.; belladonna leaves ½ gr. (total alkoids 0.0015 gr.).	The Vale Chemical Co., Inc.
Do	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ⅛ gr.	Paine Drug Co.
Do	Tablet: Phenobarbital, 16 mg.; belladonna extract, 8 mg.	Eli Lilly and Co.
Phenobarbital and Belladonna No. 2.	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ⅛ gr. (alkaloids 0.00156 gr.).	The Upjohn Co.
Phenobarbital with mannitol hexanitrate.	Tablet: Phenobarbital, 7.5 mg., mannitol hexanitrate, 15 mg.; ascorbic acid powder, 25 mg.; rutin, 25 mg.	Paul B. Elder Co., Inc. (Harold M. Harter, D.V.M.)
Phenobarbital and mannitol hexanitrate.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	Meyer Drug & Surgical Supply Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Phenobarbital Sodium Atropine No. 1.	Tablet: Phenobarbital sodium, 8 mg.; atropine sulfate, 60 μg.	McNeil Laboratories, Inc.
Phenobarbital Sodium Atropine No. 2.	Tablet: Phenobarbital sodium, 15 mg.; atropine sulfate, 120 μg.	McNeil Laboratories, Inc.
Phenobarbital Sodium Atropine No. 3.	Tablet: Phenobarbital sodium, 20 mg.; atropine sulfate, 200 μg.	Do.
Phenobarbital and sodium nitrite.	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr.	P. J. Noyes Co.
Phenobarbital Theocalcin	Tablet: Phenobarbital, 15 mg.; theobromine calcium salicylate, 0.5 gm.	Knoll Pharmaceutical Co.
Phenodonna Tablets	Tablet: Phenobarbital, ¼ gr.; tincture belladonna, 6 minims.	Flint Medical & Surgical Supply Co.
Phenodrox	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/600 gr.; magnesium trisilicate, 4 gr.; aluminum hydroxide gel, dried, 4 gr.	North American Pharmacal Inc.
Phyldrox	Tablet: Phenobarbital, 15 mg.; neothylline, 100 mg.; ephedrine sulfate, 25 mg.	Lemmon Pharmacal Co.
Piptal PHB Elixir	Elixir (5cc.): Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Lakeside Laboratories, Inc.
Piptal PHB Tablets	Tablet: Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Do.
Prantal with Phenobarbital	Tablet: Phenobarbital, 16 mg.; diphemanil methylsulfate, 100 mg.	Schering Corp.
Premarin with Phenobarbital	Tablet: Phenobarbital, 32 mg.; conjugated estrogens-equine, 0.625 mg.	Ayerst Laboratories.
Probanthine with phenobarbital.	Tablet: Phenobarbital, 15 mg.; probanthine, 15 mg.	G. D. Searle & Co.
Probital	Tablet: Phenobarbital, 15 mg.; probanthine, 7.5 mg.	Do.
Propenite	Tablet: Pentobarbital sodium, 12 mg.; sodium nitrite, 60 mg.; hawthorn berries extract, 120 mg.; mistletoe extract, 60 mg.	The Zemmer Co.
Prydonnal Spansule	Capsule: Phenobarbital, 65 mg.; belladonna alkaloids, 0.4 mg. (hyoscyamine sulfate, 0.305 mg.; atropine sulfate, 0.06 mg., scopolamine hydrobromide, 0.035 mg.).	Smith Kline & French Laboratories.
Quadrinal	Tablet: Phenobarbital, 24 mg.; ephedrine hydrochloride 24 mg.; theophylline calcium salicylate, 130 mg.; potassium iodide, 300 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc.): Phenobarbital, 12 mg.; ephedrine hydrochloride, 12 mg.; theophylline calcium salicylate, 65 mg.; potassium iodide, 160 mg.	Do.
Quintrate with Nitroglycerin and Phenobarbital.	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.; nitroglycerin, 0.4 mg.	Paul B. Elder Co., Inc. (Glynn A. Beard).
Quintrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Do.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Rheastat	Suspension (1 fluid ounce (32 cc.)): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.; kaolin, colloidal, 5.76 gm.; pectin, 320 mg.; sodium (as Cl), 6 meq.; potassium (as Cl), 4 meq.	Mallinckrodt Pharmaceuticals Division of Mallinckrodt Chemical Works.
Robinul-PH	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 1.0 mg.	A. H. Robins Co., Inc.
Robinul-PH Forte	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 2.0 mg.	Do.
Ruhexatal	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; ascorbic acid, 10 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Rutol	Tablet: Phenobarbital, 8.0 mg.; mannitol hexanitrate, 16 mg.; rutin, 10 mg.	Pitman-Moore.
Salisil with Phenobarbital	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.; magnesium trisilicate, 2 gr.	Paul B. Elder Co., Inc.
Sebella	Tablet: Phenobarbital, ⅛ gr.; aluminum hydroxide, 5 gr.; belladonna extract, ⅛ gr.	Wyeth Laboratories.
Sed-Tens	Tablet (12 hr.): Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Lemmon Pharmacal Co.
Sibena	Tablet: Butabarbital sodium, 16 mg.; simethicone, 25 mg.; belladonna extract, 16 mg. (total alkaloids 0.20 mg.).	Plough Laboratories, Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Sodium nitrite with phenobarbital.	Tablet: Phenobarbital sodium, ⅛ gr.; sodium nitrite, 1 gr.; sodium bicarbonate, 2 gr.; hawthorn berries, fluid extract, ½ minim.	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr.	Buffalo Pharmaceutical Supply Corp.
Spasticol PB	Tablet: Phenobarbital, 15 mg.; homatropine methylbromide, 2.5 mg.	Key Pharmaceuticals, Inc.
Spastosed	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.13 mg.; calcium carbonate, 227 mg.; magnesium hydroxide, 162 mg.	North American Pharmacal, Inc.
Special Formula 711	Tablet: *d*-Amphetamine sulfate, 2.5 mg.; mephenesin, 500 mg.; salicylamide, 300 mg.	Detroit First Aid Co.
Synirin	Tablet: Pentobarbital, 8 mg.; aspirin, 324 mg.	Wm. P. Poythress & Co., Inc.
TCS	Tablet: Phenobarbital 16, mg.; theobromine salicylate, 0.4 gm.; calcium salicylate, 0.06 gm.	Do.
Tedral-25	Tablet: Butabarbital, 25 mg.; theophylline, 130 mg.; ephedrine hydrocbloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral S.A	Tablet: Phenobarbital, 25 mg.; theophylline, 180 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tensodin	Tablet: Phenobarbital, 15 mg.; ethaverine hydrochloride, 30 mg.; theopbylline calcium salicylate, 200 mg.	Knoll Pharmaceutical Co.
Tensophen	Tablet: Phenobarbital, 16 mg.; nitroglycerin, 0.26 mg.; sodium nitrite, 32 mg.; podophyllin, 1 mg.; extract beef bile, 16 mg.	P. J. Noyes Co.
Thedrizem	Tablet: Phenobarbital, 8 mg.; theophylline, hydrous, 100 mg.; ephedrine hydrochloride, 25 mg.	The Zemmer Co.
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 325 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.; theobromine, 324 mg.	Do.
Theobarb Special	Tablet: Phenobarbital, 16 mg.; theobromine, 325 mg.	Do.
Theobromine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theobromine, 0.3 gm.	P. J. Noyes Co.
Theobromine-Phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co.
Do	Tablet: Phenobarbital, 32 mg.; theobromine, 324 mg.	The Upjohn Co.
Theobromine-Phenobarbital Compound.	Tablet: Phenobarbital, ¼ gr.; theobromine, 2½ gr.; potassium iodide, 2½ gr.; potassium bicarbonate, 2 gr.	Do.
Theobromine with Phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg.	Buffington's Inc.
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; theobromine and sodium acetate, 3 gr.	Paul B. Elder Co., Inc.
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Haack Laboratories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, ¼ gr.; potassium iodide, 2½ gr.; theobromine sodium salicylate, 2½ gr.	The Vale Chemical Co., Inc.
Theoglycinate with Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theopbyllin-sodium glycinate, 324 mg.	Brayten Pharmaceutical Co.
Theoglycinate with Racephedrine and Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.; racepbedrine hydrochloride, 24 mg.	Do.
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 gm.; calcium lactate, 0.1 gm.	The S. E. Massengill Co.
Theominal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Wintbrop Laboratories.
Theominal M	Tablet: Phenobarbital, 15 mg.; theobromine, 320 mg.	Do.
Theominal R.S	Tablet: Phenobarbital, 10 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¼ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Theorate	Tablet: Phenoharbital, 16.2 mg.; theobromine, 324 mg.	Whittior Lahoratories, Inc.
Thora-Dex No. 1	Tablet: Dextroamphetamine sulfate, 2 mg.; chlorpromazino hydrochloride, 10 mg.	Smith Kline & French Lahoratories.
Thora-Dex No. 2	Tablet: Dextroamphetamine sulfate, 5 mg.; chlorpromazine hydrochloride, 25 mg.	Do.
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophyllino anhydrous, 130 mg.; ophedrine sulfate, 24 mg.	P. J. Noyes Co.
Trocinate with Phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochlorido, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricoloid	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co.
Triophen	Tablet: Phenobarbital, ⅛ gr.; atropino sulfate, 1/500 gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc.
Unitensen-Phen	Tablet: Phenoharbital, 15 mg.; cryptenamine, 1 mg.	Neisler Laboratories, Inc.
Valpin-PB	Tablet or elixir (5 cc.): Phenobarbital, 8 mg.; anisotropino methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tahlet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/160 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Veraflex	Tahlet: Phenobarbital, 15 mg.; cryptenamino, 65 CSR (carotid sinus roflex) units; rutin, 20 mg.	Neisler Lahoratories, Inc.
Veralzem	Tablet: Phonobarhltal, 15 mg.; veratrum viride, 50 mg.; sodium nltrite, 60 mg.	The Zemmer Co.
Veratrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (carotld sinus reflex) unlts; sodium nitrite, 1 gr.	Neisler Lahoratories, Inc.
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 40 mg.; sodium nitrite, 65 mg.	S. J. Tutag and Co.
Vertegus	Tahlet: Phenobarbital, ¼ gr.; veratrum viride, ¾ gr.; sodium nitrite, 1 gr.; mistletoe, ½ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phonobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodlum nitrite, 60 mg.	The Zemmer Co.
Viritln	Tablet: Phenobarbital, 15 mg.; mannitol hexanltrate, 30 mg.; veratrum vlride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Weytahs No. 1	Tablet: *dl*-Desoxyephedrine hydrochlorlde, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.; aloin, 15 mg.	The Vale Chemlcal Co., Inc.
Weytabs No. 2	Tablet: *dl*-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.	Do.
Weytahs No. 3	Tablet: Phonobarbital, 15 mg.; *dl*-desoxyephedrine hydrochloride, 5 mg.; thyroid 60 mg.	Do.
W-T	Powder (4 gm.): Phenobarbital, 15 mg.; belladonna oxtract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaino, 15 mg.; calcium carbonate, 1.55 gm.; magnesium oxido, 0.5 gm.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tahlet: Phenobarbital, 1/16 gr.; holladonna extract, 1/24 gr.; bonzocaine, 1/16 gr.; calcium carbonate, 6 gr.; magnesium trisilicate, 3¾ gr.; aluminum hydroxide gel, dried, 2½ gr.; chlorophyll extract, 1%.	Do.
Xaniophen	Tablet: Phenoharbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore.
Zallogen Compound	Tahlet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbromide, 2.5 mg.	The S. E. Massengill Co.
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ½ gr.; ephedrine sulfate, ⅜ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dah	Tablet: Butabarbital sodium, 10 mg.; dehydrocholic acid, 60 mg.; ox bile desiccated, 120 mg.; homatropine methylhromide, 2.5 mg.	The Zemmer Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
No. 23	Tahlet: Pbenobarbital, ½ gr.; aminophylline, 3 gr.	Stayner Corp.
No. 35	Tablet: Phenobarbital, ⅛ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, ⅜ gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¾ gr.; ephedrine sulfate, ⅜ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Pbonobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 66	Tablet: Phenobarhital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 75	Tablet: Pbenobarbital, ¼ gr.; belladonna, 1/6 gr.	Bariatrlo Corp.
No. 88	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.	Staynor Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, 1/5 gr.	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ⅜ gr.	Do.
No. 136	Tablet: Phenobarbital, 20 mg.; homatropine methylbromide, 5 mg.	Do.
No. 643	Tablet: Phenobarbital, ⅛ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ⅜ gr.	Do.
Rx. No. 4104	Tablot: Phenobarbital, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropino sulfate, 1/300 gr.	The Zemmer Co.
Rx. No. 4105	Tablet: Pbenobarbital, ¼ gr.; calcium carbonate, 10 gr.; atropine sulfate, 1/300 gr.	Do.
Rx. No. 4108	Capsule: Phenobarbital, ¼ gr.; atropine sulfate, 1/300 gr.; calcium carbonate, 6½ gr.; magnesium oxido, heavy, 2 gr.	Do.
Rx. No. 4123	Capsule: Phenobarbital, ¼ gr.; bismuth suhgallate, 5 gr.; extract belladonna, 1/6 gr.	Do.
Rx. No. 4126	Capsule: Pentabarbital sodium, 15 mg.; extract belladonna, 10 mg.	The Zemmer Co.
Rx. No. 4143	Capsulo: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenoharbital, ¼ gr.; atropine sulfate, 1/300 gr.	Do.
Rx. No. 4155	Tablet: Phenobarhital, 1/8 gr.; atropine sulfate, 1/1000 gr.; aluminum hydroxide gel. 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ½ gr.; atropine sulfate, 1/300 gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium hutabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

§ 320.16 Records required to be maintained under section 511(d) of the act.

(a) *Types of records*—(1) *Initial inventory.* Section 511(d)(1) of the act requires every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any depressant or stimulant drug, as defined in section 201(v) of the act, to prepare upon the effective date of the section a complete and accurate record of all stocks of each such drug on hand and to keep such records for 3 years.

(i) An inventory is required as of February 1, 1966, of each drug containing any amount of barbiturate or amphetamine, unless exempted by regulation in this part.

(ii) An inventory is required of any drug on the effective date of an order issued after February 1, 1966, that designates such drug under section 201(v) of the act as a depressant or stimulant drug subject to control, unless exempted by regulation in this part.

(2) *Continuing records.* Section 511(d)(1) of the act also requires that on and after February 1, 1966, every person manufacturing, compounding, or processing any depressant or stimulant drug, as defined in section 201(v) of the act, shall prepare and keep for not less than 3 years a complete and accurate record of the kind and quantity of each

such drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and that every person selling, delivering, or otherwise disposing of any such drug shall prepare or obtain and keep for not less than 3 years a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person, and the registration number, if any, assigned to such person pursuant to section 510(e) of the act, from whom such drug was received, and to whom it was sold, delivered, or otherwise disposed of, including the date of such transaction.

(b) *Contents of records.* The records required under section 511(d)(1) of the act, and by regulations in this part, shall be considered incomplete and inadequate unless such records contain sufficient information to clearly show the kind and quantity of all stocks of each drug subject to these record-keeping requirements including, but not limited to, the following information:

(1) *Information required in initial inventory record.* (i) The kind and quantity, to the nearest unit weight consistent with the unit size, of all bulk depressant or stimulant drugs used in or capable of use in the production of drugs as defined in section 201(v) of the act, on hand as of February 1, 1966.

(ii) The kind and quantity of drugs in production on February 1, 1966, identified by batch number or other appropriate identifying number including the physical form which such in-process drugs are intended to take upon completion of the manufacturing process; for example, granulations, tablets, capsules, solutions, etc.

(iii) The kind and quantity of all such drugs in finished form on hand on February 1, 1966, including returned merchandise, transfers from other locations, orders prepared for shipment or delivery, or otherwise within the control of the registrant; for example, drugs in any controlled warehouse, or drugs in possession of employees and intended for distribution as professional samples. These records shall describe the finished form (for example, 10-milligram tablets or 10-milligram concentration per fluid ounce, if liquid), the number of units or volume in each package or container (for example, 100-tablet bottle or 3 fluid ounces), and the location of stocks.

(2) *Information required in continuing records of receipt or manufacture, compounding, or processing of controlled drugs.* (i) The kind and quantity, expressed in the nearest unit weight consistent with the unit size, of all bulk depressant or stimulant drugs in or capable of use in the production of drugs, as defined in section 201(v) of the act, on hand and in production, including the name and address of the person or firm from whom the drugs or substance is received and the date and quantity of material received. If any of this material is disposed of in any manner, or in any form, the details of disposition, including the name and address of the person to whom delivered, the date, quantity, and form in which disposed.

(ii) The kind and quantity of any depressant or stimulant drug as defined in section 201(v) of the act, in tablet, capsule, liquid, or any other finished form produced that is on hand, in production, or received. These records shall describe the form (tablet, capsule, etc.), the strength or potency per unit (for example, 10-milligram tablets), and the number of units in each package or container (for example, 100-tablet bottle), and the date of production, receipt, repackaging, or relabeling. These records shall include the name and address of the person from whom any such controlled substance was received and the date, quantity, and kind of the material received.

(iii) Production records shall show date of manufacture, compounding, or processing, theoretical and actual yield, the quantity of loss during manufacture, if any, the quantity used for quality control, the identity by batch number or other appropriate identification and quantity of any product reworked for any reason and such other information as is necessary to account for all controlled substances used in the manufacturing process.

(3) *Information required in continuing records of wholesaling, jobbing, distributing, retailing, or other disposition.* The records required by section 511(d) of the act to be kept by each person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall include the following information:

(i) The kind and quantity of each such drug received including imports, the name and address of the person from whom the drug is received, and the registration number, if any, assigned to any such person pursuant to section 510(e) of the act, and the date any such drug was received.

(ii) The kind and quantity of each such drug sold, delivered, or otherwise disposed of, including the name and address of the person to whom such drug was sold, delivered, or otherwise disposed of, the identity of any common carrier or transportation firm used in effecting such delivery, and the registration number, if any, assigned to any such person pursuant to section 510(e) of the act, and the date any such sale, delivery, or other disposition took place, including drugs exported to other countries.

(iii) (*a*) The term "kind" as used in this section means the established name, chemical name, or trade name for drugs which contain a single active ingredient, and for those drugs (for which there is no established or trade name) containing more than one active component, the established name, chemical name, or trade name for each active ingredient.

(*b*) The word "quantity" as used in this section means the number of individual packages or containers of the controlled substance (for example, 100 bottles, 5 dozen bottles), a description of the quantity of contents of each individual package or container (for example, 100-tablet bottle, 50-pound drum), and a statement of the potency of a single unit within the individual package or container (for example, 10-milligram tablet), resulting in the following type of quantity designation (fifty 100-tablet bottles of 10-milligram tablets; two 50-pound drums of 10-milligram tablets; 3 dozen 25-tablet bottles of 10-milligram tablets). If the semiprocessed controlled substance is a granulation, a meaningful quantitative statement of the amount of such substance present is required.

(iv) With regard to the records required by section 511(d)(1) of the act, the law states "no separate records nor set form or forms for any of the foregoing records shall be required as long as records containing the required information are available."[1] Ordinary business records kept by legitimate businessmen are maintained so that inspection of the records is possible and practicable in a reasonable length of time. Among others, an automatic data processing system will be considered adequate providing the system is capable of separating and identifying all records containing the specific information required by section 511(d) of the act and the regulations contained in this part in a reasonable time, or provided the system itself is capable of producing such information in a reasonable time. Other recordkeeping systems that permit the records specified in section 511(d)(1) of the act to be identified and reviewed or copied in a reasonable time also will be regarded as adequate. To account for controlled drugs dispensed on prescription, either the usual consecutively numbered prescription file, or a separate prescription file, will be acceptable.

§ 320.17 Persons required to establish, prepare, and maintain records specified in section 511(d)(1) of the act.

Pursuant to the provisions of section 511 (a) and (d)(1) of the act, persons engaged in one or more or any combination of the following activities in relation to depressant or stimulant drugs, as defined in section 201(v) of the act and regulations thereunder, are required to establish and maintain the initial inventory records and the continuing records described in this part:

(a) Persons engaged in manufacturing, preparation, propagation, compounding, or processing of such drugs in bulk, tablet, capsule, liquid, or other finished form.

(b) Persons, other than those exempted under section 511(d)(3) of the act, engaged in selling, transporting, delivering, wholesaling, jobbing, warehousing, distributing, or otherwise disposing of such drugs to any person who is not the ultimate user or consumer of the drug.

(c) Persons, other than those exempted under section 511(d)(3) of the act, engaged in manipulation, sampling,

[1] The purpose of this provision as shown by reports of the Congressional Committee that considered the legislation is to insure that the ordinary business records kept by legitimate businessmen will be considered as adequate records.

testing, repackaging, or otherwise changing the container, wrapper, or labeling of such drugs in furtherance of the distribution of such drugs from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(d) Pharmacies, hospitals, clinics, and public health agencies who have on hand or maintain a stock of such drugs for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice.

(e) Laboratories or research or educational institutions who use such drugs in research, teaching, or chemical analysis.

(f) Practitioners licensed by law to prescribe or administer such drugs, while acting in the course of their professional practice, who regularly engage in dispensing any such drug or drugs to their patients for which the patients are charged, either separately or together with charges for other professional services. The maintaining of small supplies of these drugs for dispensing or administering in the course of professional practice in emergency or special situations (for example, as a stopgap measure to tide patients over until a regular supply of drugs can be obtained by prescription from a pharmacy, or dispensing as trial doses to patients), will not be considered as regularly engaged in dispensing for a fee.

§ 320.18 Label symbol.

(a) All depressant and stimulant drugs within the meaning of section 201(v) of the act, which have not been exempted by the Director from the requirements of section 511 (c) and (e) and the recordkeeping requirements of section 511(d)(1) of the act, shall bear the following symbol or modification:

The symbol in outline form is for use as a large, open-letter overprint.

(b) This symbol shall be prominently placed on the principal panel of the label and/or on the panel normally displayed on the shelf by users of the immediate container and on any retail carton or wrapper for such container of each such drug: *Provided, however,* That:

(1) The symbol is not required on the retail carton or wrapper if it is easily legible through such carton or wrapper; or

(2) In the case of ampules or other containers too small or otherwise unable to accommodate a label, the symbol may appear on the outer container from which they are removed for dispensing or use.

(c) The symbol shall be of contrasting color to the background on which it appears (no particular color is required), large enough for easy identification, placed preferably to the right of the title and adjacent to it, and at least as large as the largest letter in the title of the drug. Large open-letter overprinting of the symbol will be regarded as meeting the requirements.

(d) Compliance with the requirements of this section shall be as follows:

(1) All drugs subject to control on February 1, 1966, as set forth in paragraph (a) of this section, and packaged after September 1, 1966, must bear the symbol.

(2) All drugs brought under control after February 1, 1966, as set forth in paragraph (a) of this section, which are packaged on or after 180 days from the effective date of such control, shall bear the symbol.

§ 320.19 Advisory committees; appointment; procedure; fees.

(a) *Selection, appointment, qualifications, compensation.* (1) Whenever the Director deems necessary the referral to an advisory committee of any matter, with regard to determining whether a regulation under section 201(v) (2)(C) or (3) of the act should be proposed, issued, amended, or repealed, whether such referral is made upon the Director's own initiative or upon the request of an interested person, the Director will request the National Academy of Sciences to select qualified experts willing to serve on the advisory committee. All such experts shall have had sufficient training and experience in pharmacology, psychiatry, internal medicine, anesthesiology, organic chemistry, sociology, psychology, or in other appropriate science to qualify them on the subject matter to be referred to them. The Director will request the National Academy of Seiences, when it furnishes the names of such experts, to supply a biographical sketch showing the background of their experience and their connection, if any, with academic and commercial institutions.

(2) Each advisory committee shall consist of not less than three experts qualified in the subject matter to be referred to the committee and of adequately diversified professional backgrounds. The Director may specify a larger number to serve. He shall appoint one member of the committee as chairman, and the chairman shall be the spokesman for the committee responsible for receiving and forwarding reports and for other functions of the Committee.

(3) The Director shall appoint the experts so selected and fix their compensation not to exceed the maximum permitted by other authority per day for each day or part thereof spent in committee meetings and in traveling to and from committee meetings held outside the city of their residence, plus necessary traveling and subsistence expenses while the experts are serving away from their place of residence. Subsistence expenses shall not exceed $30 per day.

(b) *Procedure.* (1) The Director shall submit to the chairman of the advisory committee all available materials and information relevant to the matter that has been referred to the committee. If the referral of a matter to an advisory committee is made upon the request of an interested person, the Director shall furnish such person with copies of all materials and information that are furnished to the committee, except those materials which may have been transmitted to the Director by such person and such scientific libraries. The chairman of the committee shall acknowledge receipt of the information and readiness of the committee to act. The date of acknowledgment of receipt of such information shall be considered the beginning of the period allowed for consideration by the committee. A copy of this acknowledgement shall be forwarded by the chairman of the committee to the interested person requesting referral of the matter to the committee. When the Director on his own initiative has referred to an advisory committee any matter concerning a drug which is the subject of a new-drug application, the chairman shall forward a copy of the acknowledgement to any holder of such an application.

(2) A secretariat to the advisory committees will be established by the Director. The secretariat shall furnish members of the committee with copies of any data received by the chairman. If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so inform the Director. Such meetings shall be held in Washington, D.C., or at such other place as the Director shall furnish a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical assistance.

(3) As soon as practicable, the advisory committee shall make an independent study of the data, and not later than 60 days after acknowledged receipt of such materials and information (unless the time has been extended as provided in subparagraph (4) of this paragraph), the chairman shall certify to the Director the report and recommendations of the committee, including any minority report, together with all underlying data and a statement of the reasons or basis for the recommendations. The report will include copies of all material considered by the committee, except that in the case of scientific literature readily available in scientific libraries proper reference may be made to it instead of furnishing actual copies. A copy of the report of the advisory committee will be supplied to the interested person who requested the referral to the advisory committee, if any there be.

(4) If at any time within 60 days the chairman believes that the advisory committee needs more time, he shall so inform the Director in writing, in which case he shall certify to the Director such report as provided for in subparagraph (3) of this paragraph within an additional 30 days.

(5) The chairman of the committee, after consultation with the committee members, will inform the National Academy of Sciences of the committee's opinion concerning the member who may best

represent the committee at a hearing, if one occurs.

(6) More than one referral may be handled by a committee concurrently.

(7) An interested person whose request for a referral of a matter to an advisory committee has been granted in accordance with the provisions of this section, as well as representatives of the Department of Justice, shall have a right to consult with the commitee in connection with such referred matter. Such person shall notify the chairman and, if practicable, make appointments through him. If any interested person discusses with or offers information to a committee member concerning a referred matter, such committee member shall make a written report of the discussion or offer and submit it to the committee to be made a part of the file of the committee.

(8) Except for discussions with authorized persons, the committee shall not disclose information, material, or data referred to it prior to publication of a regulation unless such disclosure is specifically authorized by the Director.

(c) *Fees.* (1) In the event of a referral of a matter under section 511(g) of the act to an advisory committee, the costs shall be borne by the person who requests the referral of the matter to the committee.

(2) The cost of the advisory committee shall include expenses of the secretariat, compensation of members, necessary travel and subsistence expenses of members, costs of duplicating documents referred to the committee, and other expenses arising by reason of referrals to the committee.

(3) An advance deposit shall be made in the amount of $2,500 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Director when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(4) All deposits and fees required by the regulations in this section shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par at Washington, D.C. All deposits and fees shall be forwarded to the Financial Management Division, Bureau of Narcotics and Dangerous Drugs, Washington, D.C. 20537, for deposit to the appropriation "Salaries and Expenses; Bureau of Narcotics and Dangerous Drugs."

(5) The Director may waive or refund such fees in whole or in part when in his judgment such action will promote the public interest.

(6) Any person who believes that payment of these fees will work a hardship on him may petition the Director to waive or refund the fees.

Notice and public procedure and delayed effective date are not prerequisites to this promulgation, because the amendments hereto are administrative in nature and impose no further restrictions.

Effective date: These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 30, 1968.

JOHN FINLATOR,
Acting Director.

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